

# THE DEVELOPMENT OF AN INDIAN POLICY

(1818-1858)

BY

G. ANDERSON, C.I.E., M.A.

FORMERLY PROFESSOR OF HISTORY, ELPHINSTONE COLLEGE, BOMBAY  
AND FELLOW OF BOMBAY UNIVERSITY

AND

M. SUBEDAR, B.A., B.Sc. (ECON.) LONDON

FELLOW OF THE ROYAL STATISTICAL SOCIETY

LONDON: G. BELL & SONS, LTD.

INDIA: A. H. WHEELER & CO.

BOMBAY, ALLAHABAD & CALCUTTA



## CONTENTS

### CHAPTER I

|   | PAGE |
|---|------|
| THE FOUNDATIONS OF AN INDIAN POLICY . . . . .   | I    |
| 1. An Age of Peaceful Progress : R. C. Dutt . . . . .   | 2    |
| 2. The Meaning of an Indian Policy : M. Chailley . . . . .  | 4    |
| 3. The Methods of an Indian Policy : Sir John Malcolm . . . . .   | 5    |
| 4. The Ideals of an Indian Policy : Holt Mackenzie . . . . .  | 7    |
| 5. Mountstuart Elphinstone : (i) George Canning, (ii) G. W. Forrest, (iii) Address of the Indian inhabitants of Bombay Presidency . . . . . | 11   |
| 6. The Reform of Hinduism : Raja Ram Mohan Roy . . . . .  | 15   |
| 7. The Brahmo Samaj : Trust Deed . . . . .  | 18   |
| 8. Raja Ram Mohan Roy's place in History : S. D. Collet . . . . .   | 20   |
| 9. Inscription on Raja Ram Mohan Roy's Tomb . . . . .   | 22   |

### CHAPTER II

|  |    |
|--|----|
| THE EXECUTIVE AND LEGISLATIVE AUTHORITIES; THE CHARTER ACT OF 1833 . . . . .                 | 23 |
| 10. Ideals of Indian Government : Report of the Select Committee . . . . .                   | 24 |
| 11. Summary of the Provisions of the Charter Act of 1833 : Sir Courtenay Ilbert . . . . .    | 25 |
| 12. Methods of Legislation : Board of Directors . . . . .                                    | 29 |
| 13. The Duties of the Government of India : Lord William Bentinck . . . . .                  | 35 |
| 14. Relations between the Supreme and Subordinate Governments : Board of Directors . . . . . | 39 |

## CHAPTER III

|  | PAGE |
|--|------|
| THE ADMINISTRATION OF JUSTICE . . . . .  | 42   |
| 15. The Importance of the Law in the Development of Indian Policy : M. Chailley . . . . .    | 42   |
| 16. Codification of Laws in British India : Sir Courtenay Ilbert . . . . .                   | 45   |
| 17. The Anomalies of the Supreme Court : James Mill .  | 48   |
| 18. The Relations between Europeans and Indians in the Courts : Board of Directors . . . . . | 50   |
| 19. Agitation in Calcutta : T. B. Macaulay . . . . .   | 52   |
| 20. The Employment of Indians in the Subordinate Judicial Service : C. D. Field . . . . .    | 56   |

## CHAPTER IV

|  |    |
|--|----|
| THE PUBLIC SERVICES . . . . .  | 59 |
| 21. The Training of Civil Servants at Haileybury : John Sullivan . . . . .   | 61 |
| 22. The Training of Civil Servants in India : (i) Lord William Bentinck, (ii) Sir Charles Metcalfe .                                 | 62 |
| 23. The Efficiency of the Civil Service : Lord William Bentinck . . . . .  | 64 |
| 24. The Competitive System : T. B. Macaulay . . . . .  | 66 |
| 25. The Employment of Indians in the Public Services : (i) Sir Thomas Munro, (ii) Sir John Malcolm, (iii) Sir Thomas Munro . . . . . | 71 |
| 26. The Removal of Disqualifications : Court of Directors . . . . .  | 77 |
| 27. The Use of English in the Public Services : Government Resolution . . . . .  | 79 |

## CHAPTER V

|  |    |
|--|----|
| THE SUPPRESSION OF INHUMAN CUSTOMS . . . . .   | 81 |
| 28. Sati : Wm. Carey . . . . .   | 83 |
| 29. The Abolition of Sati : (i) Lord William Bentinck, (ii) Government Regulations . . . . . | 87 |

|   | PAGE |
|---|------|
| THE SUPPRESSION OF INHUMAN CUSTOMS— <i>continued</i>        |      |
| 30. The Profession of Thugi: J. W. Kaye . . . . .           | 96   |
| 31. Thugs at Work: Sir W. Sleeman . . . . .                 | 98   |
| 32. A Gang of Successful Thugs: Captain Vallancey . . . . . | 99   |
| 33. Lord William Bentinck: Inscription . . . . .            | 102  |

## CHAPTER VI

|   |     |
|---|-----|
| THE DEVELOPMENT OF AN EDUCATIONAL SYSTEM . . . . .  |     |
| 34. The Introduction of Western Learning: Raja Ram Mohan Roy . . . . .  | 105 |
| 35. Education in Bombay: Mountstuart Elphinstone . . . . .  | 108 |
| 36. A Great Departure in Educational Policy: (i) T. B. Macaulay, (ii) Government Resolution, (iii) Alexander Duff . . . . . | 110 |
| 37. Western Learning and Political Discontent: Sir Charles Metcalfe . . . . .   | 125 |
| 38. The Organisation of the New System: Annual Report of the Committee of Education . . . . .                               | 127 |
| 39. Vernacular Education: W. Adam . . . . .   | 130 |
| 40. Discipline in a Vernacular School: <i>Calcutta Review</i> . . . . .   | 130 |
| 41. A Statement of Educational Policy: Despatch of 1854 . . . . .   | 132 |

## CHAPTER VII

|  |     |
|--|-----|
| THE FREEDOM OF THE PRESS . . . . .   |     |
| 42. Strict Control over the Press: Government Correspondence . . . . .                             | 135 |
| 43. Dangers of a Free Press in India: (i) Mountstuart Elphinstone, (ii) Sir Thomas Munro . . . . . | 136 |
| 44. The Press in India in 1831: James Sutherland . . . . .   | 137 |
| 45. The Benefits of a Free Press: Raja Ram Mohan Roy . . . . .                                     | 140 |
| 46. The Freedom of the Press: Sir Charles Metcalfe . . . . .                                       | 141 |
| 47. The <i>Calcutta Review</i> : Alexander Duff . . . . .  | 143 |
|  | 145 |

## CHAPTER VIII

|   | PAGE |
|---|------|
| THE LAST DAYS OF THE COMPANY . . . . .  | 147  |
| 48. The Charter Act of 1853 . . . . .   | 148  |
| 49. Justification of the System of Double Government : Petition of the East India Company . . . . . | 151  |
| 50. Criticism of the System of Double Government : Lord Palmerston . . . . .                        | 163  |
| 51. A Defence of the Company's Government : J. Mill . . . . .                                       | 166  |
| 52. The Future Government of India : John Bright . . . . .  | 171  |
| 53. India under the Crown : Government of India Act, 1858 . . . . .                                 | 175  |

## NOTE.

Thanks are due to the following publishers for their kind permission to reprint extracts from the books mentioned :—

Messrs. Chatto and Windus (Mr. R. C. Dutt's *England and India*).

The Delegates of the Clarendon Press (Sir Courtenay Ilbert's *The Government of India and Legislative Methods and Forms*).

Messrs. Longmans, Green and Co. (Sir G. O. Trevelyan's *Life and Letters of Lord Macaulay*).

Messrs. Macmillan and Co., Ltd. (M. Chailley's *Administrative Problems of British India*).

# THE DEVELOPMENT OF AN INDIAN POLICY

## CHAPTER I

### THE FOUNDATIONS OF AN INDIAN POLICY

IT was not until the long struggle between the Mahratta and the British powers came to an end in 1818 that there was any real opportunity of evolving an Indian policy. Hitherto, the British in India had been employed for the most part in defending their territory against attacks from outside and in establishing the rule of law and order without which progress of any kind was impossible. But, after the battle of Kirkee, a long period of peace ensued such as had not been known in India for centuries, and which was not seriously interrupted until the outbreak of the first Sikh war in 1845. There were wars at that time, it is true, in Afghanistan, in Sind, and in Burma, but these scarcely affected the life of the country. It was during this period that the British rulers in India applied themselves to the formulation of an Indian policy, which was remarkable not only for its insight but also as being the work of a number of men who combined the gifts of statecraft and scholarship. They had both the power to act and the capacity to write. The records of the period therefore are replete with incident and wisdom. And it happened that there were also in England statesmen who were anxious to bring forward measures of reform which had long been delayed by years of warfare. The similarity between the

history of the two countries has been emphasised by Mr. Romesh Chander Dutt in the following words :—

### An Age of Peaceful Progress

*Source.—“England and India.” Romesh Chander Dutt.  
(Chatto & Windus.)*

Never was there any period when Europe and India made more real progress within the lifetime of one generation than during the twenty years which succeeded the Napoleonic wars and the last Mahratta wars.

Castlereagh<sup>1</sup> destroyed himself in 1822. He was succeeded as leader in the House of Commons by the noble-minded Canning, a great statesman, a gifted orator, a true Liberal at heart. His appointment as leader of the House of Commons, under Lord Liverpool, who was still Prime Minister, marks a turning-point in English history, and is the first official recognition of that Liberalism which was growing in England. Reforms which had been delayed so long came trooping in. The barbarous criminal laws of England, which inflicted the punishment of death on slight offences, were being slowly modified. The equally barbarous laws which kept the working classes bound as serfs to the British soil, and in convenient subordination to their employers, were repealed, and combinations of workmen to obtain better wages were no longer forbidden. Last, though not least, was the subject of the emancipation of the Catholics, who were still debarred from sitting in the House of Commons or holding important offices under the Crown. Canning fought nobly for the complete emancipation of Catholics from all disabilities.

\* \* \* \* \*

The years which followed the Reform Bill of 1832 were years of activity in the direction of reforms and of Liberal legislation. Education was in a backward state in England, and in 1833 there was one person in eleven of the population attending school. A small grant was now made to promote national education. The employment of children in factories was restricted in the same year. The laws which encouraged lazy pauperism and discouraged honest industry were reformed in 1834. The heavy and prohibitive tax of fourpence on each copy of a newspaper was reduced to a penny, and the fetters

<sup>1</sup> Lord Liverpool was Prime Minister from 1812 to 1827; but, in reality, power was vested in the hands of Lord Castlereagh, the leader of the party in the House of Commons until the time of his death.

on journalism were thus knocked off in 1836. Criminal laws were further modified.

The same spirit of reform, and the same desire to promote the happiness of the people, marked the policy of England and of India during this progressive age ; and the noble and liberal-minded statesmen who guided the destinies of England during this age worked side by side with statesmen, equally great and large-hearted, who ruled the destinies of India. To try to read Indian history apart from English history would be an endeavour to understand a result without knowing the cause. The same moving force determined events in both countries ; the extension of privileges to the people of India during this period is the counterpart of the Reform Act in England ; and Munro, Elphinstone, and Bentinck were inspired by the same reforming spirit as Canning, Grey, and Lord John Russell.

It was during this period of peace that British rulers applied themselves to the arduous task of beneficent government and to the formation of what may be called an Indian policy. The great figures of that age were men such as Bentinck and Munro, Mountstuart Elphinstone and Metcalfe, who were confronted with the difficult problem of giving satisfaction to many millions of human beings, widely different from themselves in almost every respect and dominated by social customs and political traditions which often seemed to the Western mind meaningless and sometimes inhuman. They discarded at once all ideas of denationalising India by the imposition of Western conceptions of religion and social polity. Even in the maintenance of law and order and in the general administration of the country they proceeded slowly and cautiously. They refrained as far as possible from abrupt innovations, but sought rather to establish a system which departed little from Indian traditions and under which the Indians would be able to develop in accordance with their past history and to maintain their own customs and religious beliefs. The path which they determined to tread was perilous indeed. There was the danger, on the one hand, of internal discontent and, on the other, of censure by the Court of Directors in London or by the English inhabitants of Calcutta. The British rulers of those days, however, rose above the difficulties which surrounded them and reached

a very high level of statesmanship. They maintained peace ; they established a workable system of orderly government ; they cared for the material needs of the country ; but at the same time they kept almost intact the old social and religious organisation of the people. On the other hand, they were quite prepared to eradicate customs which were manifestly evil and inhuman. When the happiness of the people was at stake, they did not shrink from bold measures, nor did they take refuge in the faint-hearted excuse that interference with social practices was dangerous to the continuance of British rule and therefore to be deprecated. Patience and forbearance on the one hand and courage and determination on the other were the leading characteristics of their policy. M. Chailley, an astute critic of British rule in India, has explained the nature of that policy as it appeared to him, and Sir John Malcolm, in his instructions to the civil servants placed under his control, has shown in what spirit he expected that policy to be carried out. And in a following excerpt Mr. Holt Mackenzie has expounded the ideals of that policy.

### The Meaning of an Indian Policy

*Source.*—(i) “Administrative Problems of British India.”  
M. Chailley. (Macmillan & Co.)

The Government must have the will and the power to free itself from European prejudices, and to repudiate, if found to be mistaken, administrative and political doctrines which it has hitherto accepted. It must discard commonplace solutions, and must be prepared to abandon what seems to be a straight road in favour of untried paths. A native policy, too, often requires a Government to renounce the pleasant rôle or the easy part as so many people believe nowadays—of an earthly providence ; to abandon the habit of continual intervention ; to wait, it may be for long, until it can intervene expediently. It must keep silent while men act and events occur, must remain apparently inactive, and must let itself be suspected and attacked. It must occasionally even side against its own countrymen, like the mother who, in a group of turbulent children, only ventures to chide her own. It must know that a law is faulty, and yet resist the temptation to alter it ; it must bear for a time with untrustworthy or incapable officials. And yet it

must not allow non-intervention to become a fixed rule ; it must seize the fitting opportunity for inaugurating desirable changes.<sup>1</sup> It will realise that the subject peoples are firmly attached to their old customs and institutions ; that they find our civilisation cold and repellent, and that they must be led to it very gradually, gently, and patiently by evolution from their own traditions. Their eyes cannot be opened forcibly ; they must be persuaded to see for themselves. I do not say that the English have been the first or the only people to see the necessity for a native policy of this description ; nor, again, that they have made no mistakes in treading this perilous ground—their history abounds with such. But they have practised as well as theorised ; they have carried out a definite native policy, as I understand the term, at intervals for over a century, and continuously during the last fifty years.

Aristocrats themselves, their first relations in India were with the princes and nobles, but as they progressed and came to understand the structure of Indian society, they gradually got down to the mass of the people. Their new connections, however, never led them to break off the old ones. Even when the native princes seemed useless to them they were maintained and protected, and were often restored to territories which they had lost. They made use, too, of recently conquered enemies. Thus, in Burma the ministers of King Thibaw were utilised by the new British Government, and those of them who still survive are in receipt of pensions, and are from time to time consulted.

This policy has borne fruit. It was no doubt rudely tested by the Sepoy mutiny in 1857 ; but military and political errors explain that formidable incident. And though the English were, for the moment, discouraged by it (both civil and military officers had been so sure of their men), they once more concluded that it was possible to conciliate the natives, and resumed their native policy. They extended it, in fact, to a larger area ; they improved it and rendered it more methodical and more kindly.

### The Methods of an Indian Policy

*Source.*—Sir J. Malcolm, “ Instructions to Officers acting under his orders in Central India.” (W. K. Allen & Co. 1821.)

Almost all who, from knowledge and experience, have been capable of forming any judgment upon the question are agreed that our power in India rests on the general opinion of the natives of the comparative good faith, wisdom, and strength of their own rulers. This important impression will be improved by the consideration we show to their habits, institutions, and

<sup>1</sup> As was done by Lord Bentinck in the suppression of *sati*.

religion—by the moderation, temper, and kindness with which we conduct ourselves towards them ; and injured by every act that offends their belief or superstition, that shows disregard or neglect of individuals or communities, or that evinces our having, with the arrogance of conquerors, forgotten those maxims by which this great empire has been established, and by which alone it can be preserved.

Our success and moderation, contrasted with the misrule and violence to which a great part of the population of India have for more than a century been exposed, have at this moment raised the reputation of the British nation so high that men have forgotten, in the contemplation of the security and prosperity they enjoy under strangers, their feelings of patriotism ; but these are feelings which that very knowledge that it is our duty to impart must gradually revive and bring into action. The people of India must, by a recurring sense of benefits, have amends made to them for the degradation of continuing subject to foreign masters ; and this can alone be done by the combined efforts of every individual employed in a station of trust and responsibility to render popular a government which, though not national, has its foundations laid deep on the principles of toleration, justice, and wisdom. Every agent of Government should study and understand the above facts. He should not content himself with having acquired a knowledge of the languages and of the customs of those with whom he has intercourse. All his particular acts (even to the manner of them) should be regulated by recurrence to the foundations of our rule and a careful observation of those principles by which it has been established and can alone be maintained. Of the importance of this I cannot better state my opinion than by expressing my full conviction that, independent of the prescribed duties which every qualified officer performs, there is no person in a situation of any consequence who does not, both in substance and manner of his conduct, do something every day in his life which, as it operates on the general interests of the empire through the feelings of the circle he controls or rules, has an unseen effect in strengthening or weakening the Government by which he is employed.

You are called upon to perform no easy task ; to possess power, but seldom to exercise it ; to witness abuses which you think you could correct ; to see the errors, if not crimes, of superstitious bigotry, and the miseries of misrule, and yet forbear, lest you injure interests far greater than any within the sphere of your limited duties, and impede and embarrass, by a rash change and innovation that may bring local benefit, the slow but certain march of general improvement. Nothing can keep you right on all these points but constant efforts to add to your knowledge,

and accustoming your mind to dwell upon the character of the British power in India and that of the empire over which it is established. The latter, comprehending numerous tribes and nations, with all their various institutions and governments, may truly, though metaphorically, be viewed as a vast and ancient fabric, neither without shape and beauty, but of which many parts are in a dilapidated state, and all more or less soiled or decayed ; still it is a whole, and connected in all its parts ; the foundations are deep laid, and to the very summit arch rests upon arch. We are now its possessors ; and if we desire to preserve, while we improve it, we must make ourselves completely masters of the frame of the structure to its minutest ornaments and defects ; nor must we remove the smallest stone till another is ready, suited to fill the vacant niche, otherwise we may inadvertently bring a ruin on our own heads, and those of others, on the spot where we too eagerly sought to erect a monument of glory.

### The Ideals of an Indian Policy

*Source.*—Views of Holt Mackenzie in reply to questions from the Board of Control and reported to the House of Commons in 1832. Quoted in *Calcutta Review*, No. LVI.

‘ Looking to no very distant time in the history of a nation, we might, I think, increase the wealth of the country or secure a better distribution of it, and consequently raise more revenue, if wanted, by all or some of the following measures: by a settlement of the amount to be paid by the owners of land for a long term of years, the assessment being so adjusted as to leave them a valuable property in the surplus rent beyond the Government demand, and with a survey and record such as to remove all doubt with regard to the subject matter of settlement ; by encouraging the settlement of Europeans and the children of Europeans, and the application of their energy, skill, and capital to agriculture ; by educating the natives to European knowledge and habits ; by admitting natives to a larger share in the advantages of office ; by constant but gradually urged efforts to give a more popular character to the administration of the country ; by a liberal but economical and strictly watched expenditure in facilitating internal intercourse ; by removing all artificial impediments to the extension of trade in India, or between England and India ; by abolishing the usury law in India and providing generally a good system of mercantile law, and courts to administer promptly and cheaply.



The salaries of officers to be regulated by the work to be done, without reference to individuals or classes to be employed, further than is necessary, with a view to having good work, including in the term as respects civil government the maintenance and security of the sovereignty of England ; the consequent employment of native agency more and more extensively, with liberal, though (to Europeans comparatively) moderate allowances ; the restriction of all high-paid European functionaries (I include all judges, magistrates, and collectors of districts) to matters necessarily requiring their interference ; the full recognition of the absurdity of attempting to administer the affairs of a million of civilised men by the direct agency of one or two individuals, and those foreigners ; and the practical application of the principle that we cannot really have a civil government excepting through the co-operation of the people ; the gradual exclusion of servants temporarily deputed from England from all functions not necessarily confined to them with the view of maintaining the sovereignty of England ; the more general employment of individuals in place of collective bodies ; the immediate exemption of the local governments, especially the supreme Government, from responsibility for matters of detail which they cannot usefully, and do not actually, administer ; the clear definition of responsibilities actually belonging to all classes of public functionaries ; the appointment of a Governor-General and Council for all India, with powers and duties so defined as to make him such in reality, not in name ; the union of the armies of the three presidencies under one head ; the transfer of the whole to the Crown ; the substitution of a part of the Royal Navy for the Bombay marine or the Indian Navy ; the better regulation of the supply of stores required by the Indian Governments ; a stricter check upon expenditure in public works ; the better definition of the powers of Direction as distinguished from those of Control ; the exclusion of the controlling authorities from all patronage, direct or indirect.

I should suppose it likely that the purposes of economy would be promoted by the employment of the ordnance and other national establishments, in all business connected with the Indian Army, which has to be done in England in their several departments. The island of Ceylon ought, I should think, to be part of the Indian Government ; St. Helena should be a national concern ; and, of course, the revenues taken from the people of India in virtue of our national sovereignty should be regarded as belonging to the public purse of England, so that every saving in our territorial charges may be considered a national saving ; and every waste of our territorial resources a waste of public money.

Of all the British rulers during the period it was perhaps Mountstuart Elphinstone who approached most nearly the acceptance of the policy in its ideal which has been expounded above by M. Chailley. He is remembered by Indians of the present day with greater feelings of affection than perhaps any other British ruler of India. Like all writers in the service of the East India Company he came out to India at a very early age. The early years of his service were spent in the difficult task of diplomacy at Nagpur and Poona during those last eventful days of the Mahratta Confederacy and in still more strenuous duties on the field of battle. He took part in the battle of Assaye as an interpreter on Arthur Wellesley's staff, and was told by his chief that he had missed his vocation and should have been a soldier. He was Resident at Poona during the anxious years leading up to the final overthrow of the Peshwa's power. Indeed, he remained at his post until the last possible moment in face of the gravest personal danger, and while riding to join the British troops at Kirkee looked back on the flames rising from the Residency which had already been set on fire. In the battle itself he showed the greatest resource and courage, and was to a large extent responsible for the victory that ensued. In the House of Commons Canning paid a great tribute to his skill. "Mr. Elphinstone (a name distinguished in the literature as well as the politics in the East) exhibited on that trying occasion military courage and skill which, though valuable accessories to diplomatic talents, we are not entitled to require as necessary qualifications for civil employment. On that, and not on that occasion only, but on many others in the course of this singular campaign, Mr. Elphinstone displayed talents and resources which would have rendered him no mean general in a country where generals are of no mean excellence and reputation."

At the conclusion of the war Elphinstone became Commissioner at Poona, and in 1819 was appointed by Canning Governor of Bombay in preference to Munro and Malcolm. It may seem strange that the two Indian races, the Sikh and the Mahratta, who have in their time offered the

most sturdy opposition to the British troops, have so soon after defeat become law-abiding citizens of the British Empire. The peaceful acceptance of British rule by the Sikhs was due mainly to the wisdom and statesmanship of Henry Lawrence, which has been discussed in an earlier volume. And "the rapidity and apparent ease with which the British rule was established over a country of wild valleys and precipitous mountains inhabited by a race of [Mahratta] warriors" was due in the main to Elphinstone. The principles which guided his policy in dealing with a problem demanding so much firmness and sympathy will be explained in the following extract taken from the writings of Mr. Forrest. That Elphinstone could be firm when the occasion demanded it is also shown by an incident also referred to by Mr. Forrest. A plot was engineered by a few Brahmins to restore the Peshwa. Elphinstone at once showed himself a man of iron and ordered the ringleaders to be blown from the cannon's mouth. The Governor of Bombay, while approving of the action, suggested that Elphinstone should ask for an indemnity, but he refused. "If I have done wrong," he said, "I ought to be punished; if I have done right, I don't want any act of indemnity."

The esteem with which Elphinstone was held by the Indians over whom he ruled is shown by the address which was offered by them on his departure. In addition, a sum of £20,000 was subscribed by the Indian community, which was utilised for the foundation of professorships in his memory. The result was that, as a beginning, lectures were given by English scholars brought out to India for that purpose in the town hall of the city; but the fund was eventually diverted to the support of a college which still bears the revered name of Elphinstone and in which have been trained some of the most accomplished and public-spirited Indians of recent times. No more fitting monument could have been erected in honour of one of the most far-seeing statesmen who have ruled in India.

## Mountstuart Elphinstone and his Policy

*Source.*—(i) Letter from Mr. Canning to the Court of Directors.  
Dated September 21, 1818. (Parliamentary Papers.)

The extraordinary zeal and ability which has been displayed by so many of the Company's servants, civil and military, in the course of the late brilliant and complicated war, and the peculiar situation in which the results of that war have placed the affairs of your presidency in Bombay, appear to me to constitute a case in which a diversion from the general practice<sup>1</sup> in favour of your own service might be at once becoming and expedient.

It further appeared to me that the compliment to your servants would be the more distinguished if suggested by a previous declaration of the readiness of the King's Government to concur in such a choice, should the Court of Directors think proper to propose it.

To have coupled such a declaration with the name of any *one* individual would have been to expose the motives of it to misconstruction. To have named *none* would have been to retain altogether undiminished the power of objecting to any individual nomination.

The gentlemen<sup>2</sup> whose names I have mentioned have been selected by me as conspicuous examples of desert in the various departments of your service, and in that scene of action which has been most immediately under our observation. I mean no disparagement to others whose eminent qualities may stand fairly in competition with theirs; and I may add that there is but one of the three with whom I have the honour of a personal acquaintance.

On whomever your preference shall fall, it will always be a satisfaction to me to have had this opportunity of recording not only my admiration of the talents and conduct of those gentlemen whose names I have specified, but the high and just estimation in which I hold the general merit and character of your servants.

*Source.*—(ii) "Official Writings of Mountstuart Elphinstone." Edited by G. W. Forrest. (Richard Bentley & Son.) ✓

Mountstuart Elphinstone's success as an administrator was chiefly due to the fact that he saw that political institutions and social usages which had lasted for centuries could not be entirely devoid of merit. His great endeavour in the civil administration

<sup>1</sup> The occasion was the necessity of appointing a Governor of Bombay.

<sup>2</sup> Mountstuart Elphinstone, John Malcolm, Thomas Munro.

was "to show the people that they are to expect no change, but in the better administration of their former laws." He felt that not only the privileges, but even the prejudices of the people ought to be respected. He wrote to the Governor-General: "It is, however, to be remembered that even just government will not be a blessing if at variance with the habits and character of a people." Mountstuart Elphinstone knew that foreign dominion must ever be a hardship, and the most that conquerors can do is to take care that the yoke presses as lightly as possible, and that it galls at the fewest points. The Marquis of Hastings left him the choice of giving the Raja of Satara a *jahagir* or a small sovereignty, and he adopted the latter course, for he felt the importance "of having for part of the Peshwa's subjects a government which could afford them service in their own way." The re-establishment of the Satara Raja in some measure reconciled the old Mahratta chiefs to the destruction of the more modern authority of the Peshwa. The English were no longer fighting against the House of Sivaji, but against a successful Mayor of the Palace. Many of the old families, let it be recorded to their credit, resolved to share the fortunes of their fallen prince, but the majority gave in their allegiance to their conquerors. To preserve the old families from destruction, to maintain their influence, was one of Mr. Elphinstone's first cares. He saw that the nobles of the Deccan were not, like the chiefs of a Muhammadan Government, foreigners to the people, but they were of the same nation and religion, and the descendants of those who had been their leaders since they rose to independence. He also saw that the Muhammadans in their most powerful days never attained complete success in taking the place of the local princes, and in substituting their own for native law and organisation, and he tried to avoid, as far as possible, attempting what the Muhammadans had failed to do.

The suppression of rebellion was accompanied by a settlement of the land revenue. The system introduced did not essentially differ from the comparatively patriarchal scheme of management of Nana Farnavis, by which the agents of the Government settled directly with the people. The advantage of the rayatwari system is that it enables us to know the rayats, and them to be acquainted with us. The abolition of the farming system of Baji Rao, by which districts were rented to contractors, removed many grievances. Mr. Elphinstone felt that many novelties must accompany every revolution, and he tried to limit the number as much as possible. He ordered the collectors to administer the Government "without the restraint of any regulations but those which they found established." He did all that lay in his power to revive the public spirit which

once animated the village communities, ancient institutions which have existed from time immemorial, and which centuries of alternating tyranny and anarchy have never been able entirely to extinguish. He preserved the influence of the village officers, for he knew that the task of really governing India down to the villages and the people is too great for a foreign Government, and can only be done through native agency and communal self-government. In this important matter of the administration of justice, Mr. Elphinstone refrained from any hasty introduction of English machinery and agency, for his knowledge of the people taught him that the state of society and civilisation which pervades the many millions of India calls for a simple, cheap, and expeditious administration of justice. Under native rule the main instrument of dispensing justice was the Panchayat or assembly of village elders. This ancient institution had its defects, but it also possessed many advantages. "The intimate acquaintance," wrote Elphinstone, "of the members with the subject in dispute, and in many cases with the character of the parties, must have made their decisions frequently correct, and it was an advantage of incalculable value in that mode of trial that the judges being drawn from the body of the people could act on no principles that were not generally understood, a circumstance which by preventing uncertainty and obscurity in law struck at the very root of litigation." Mr. Elphinstone felt that the object of the conquerors ought not to be to destroy the native system, but to take means to remove its abuses and revive its energy.

*Source.*—(iii) An Address presented by the Native inhabitants of the Bombay Presidency on the departure of Mr. Elphinstone in 1829. "Official Writings of Mountstuart Elphinstone," Edited by G. W. Forrest, pp. 69-70. (Bentley & Son.)

We, the native princes, chiefs, gentlemen and inhabitants of Bombay, its dependencies and allied territories, cannot contemplate your approaching departure from the country without endeavouring to express, however faintly, the most profound and lasting regret which has been occasioned in our minds by your resignation of the Government of this Presidency; for until you were Commissioner in the Deccan and Governor of Bombay never had we been able to appreciate correctly the invaluable benefit which the British dominion is calculated to diffuse throughout the whole of India. But having beheld with admiration for so long a period the affable and encouraging manners, the freedom from prejudice, the consideration at all times exercised for the interest and welfare of the people of this country, the regard shown to their ancient customs and laws, the constant endeavours to extend amongst them the inestimable

advantages of intellectual and moral improvement, the commanding abilities applied to ensure permanent amelioration in the condition of all classes and to promote their prosperity on the soundest principles, by which your private and public conduct has been so pre-eminently distinguished, has led us to consider the influence of the British Government as the most important and desirable blessing which the Supreme Being could have bestowed on our native lands.

At a time when rulers such as Elphinstone were engaged in formulating a definite policy by which the traditions and customs of the past might be preserved and adapted gradually to new ways of life, it was of vital importance that Indians themselves should be willing to co-operate with their rulers in the development of that policy. Without their assistance such a policy, however nobly conceived, was doomed to failure. It so happened that there was then a group of noble-minded Indians, highly educated and conscious of the benefits that should accrue from contact with the West, but at the same time tenacious of the ancient traditions of their country. The leader was Raja Ram Mohan Roy, perhaps the greatest personality that has lived in India during the period of British rule.

Raja Ram Mohan Roy was born of an ancient and honourable Brahman family at Radhanagar in Bengal in 1774. He received a good education in the Persian and Arabic languages. At a very early age he showed himself possessed of an independent mind by publishing a pamphlet which called in question the idolatrous system of the Hindus. This, together with his known sentiments on the subject, caused a coolness between him and his father. He held a post under the Government of Bengal for a short time, where "his great proficiency in zamindari accounts and land surveying" was of great value, but the improvement of the mental and moral condition of his countrymen appealed to the young reformer more than the dull routine of a Government office. He therefore decided to devote his whole energy to the service of his country.

Raja Ram Mohan Roy was primarily a great religious reformer. He had long noticed that there were many defects

in Hindu society as he found it. The overgrowth of formalism in religion, the mischievous effect of this on social customs, the decay of learning, the poverty of the ryots, all arrested his attention. His great aim was to purify and elevate the faith of his countrymen. He was opposed not so much to Brahmanism in itself as to its perversion, which was opposed to the principles laid down in the sacred books which all professed to revere and obey. He therefore encouraged Hindus to drink at the pure fount of the Upanishads and to adopt the monotheism of the Vedas. He also tried to save the youth of his day from the evils of atheism and from a complete denial of all moral tenets. "He deplored," writes Sanford Arnot, "the existence of a party which had sprung up in Calcutta composed of imprudent young men, some of them possessing talent, who had avowed themselves sceptics in the widest sense of the term. He described it as composed partly of East Indians and partly of Hindu youths who through their education had learnt to reject their own faith without substituting any other. These he thought more debased than the most bigoted Hindus, and their principles the bane of all morality." In order to impress his views on the people more strongly, he translated into Bengali the principal chapters of the Vedas, an introduction to one of which is given below as the best means of expounding the views of this great reformer.

### The Reform of Hinduism

*Source.*—"Introduction to a Translation of the Ishopanishad." Raja Ram Mohan Roy. (Panini Press.)

The physical powers of man are limited, and when viewed comparatively, sink into insignificance; while in the same ratio his moral faculties rise in our estimation, as embracing a wide sphere of action, and possessing a capability of almost boundless improvement. If the short duration of human life be contrasted with the great age of the universe, and the limited extent of bodily strength with the many objects to which there is a necessity of applying it, we must necessarily be disposed to entertain but a very humble opinion of our own nature; and nothing perhaps is so well calculated to restore our self-complacency as the contemplation of our more extensive moral powers,

together with the highly beneficial objects which the appropriate exercise of them may produce.

On the other hand, sorrow and remorse can scarcely fail, sooner or later, to be the portion of him who is conscious of having neglected opportunities of rendering benefit to his fellow-creatures. From considerations like these it has been that I (although born a Brahman, and instructed in my youth in all the principles of that sect), being thoroughly convinced of the lamentable errors of my countrymen, have been stimulated to employ every means in my power to improve their minds, and lead them to the knowledge of a purer system of morality. Living constantly among Hindus of different sects and professions, I have had ample opportunity of observing the superstitious puerilities into which they have been thrown by their self-interested guides, who, in defiance of the law as well as of common sense, have succeeded but too well in conducting them to the temple of idolatry ; and while they hid from their view the true substance of morality, have infused into their simpler hearts a weak attachment to its mere shadow.

For the chief part of the theory and practice of Hinduism, I am sorry to say, is made to consist in the adoption of a peculiar mode of diet, the least aberration from which (even though the conduct of the offender may in other respects be pure and blameless) is not only visited with the severest censure, but actually punished by exclusion from the society of his family and friends. In a word, he is doomed to undergo what is commonly called loss of caste.

On the contrary, the rigid observance of this grand article of Hindu faith is considered in so high a light as to compensate for every moral defect. Even the most atrocious crimes weigh little or nothing in the balance against the supposed guilt of its violation.

Murder, theft, or perjury, though brought home to the party by judicial sentence, so far from inducing loss of caste, is visited in their society with no peculiar mark of infamy or disgrace.

A trifling present to a Brahman, commonly called *Prayaschit*, with the performance of a few idle ceremonies, are held as a sufficient atonement for all these crimes, and the delinquent is at once freed from all temporal inconvenience as well as all dread of future retribution.

My reflections upon these solemn truths have been most painful for many years. I have never ceased to contemplate with the strongest feelings of regret the obstinate adherence of my countrymen to their fatal system of idolatry, inducing for the sake of propitiating their supposed Deities the violation of every humane and social feeling. And this in various instances,

but more especially in the dreadful acts of self-destruction and the immolation of the nearest relations, under the delusion of conforming to sacred religious rites. I have never ceased, I repeat, to contemplate these practices with the strongest feelings of regret and to view in them the moral debasement of a race who, I cannot help thinking, are capable of better things, whose susceptibility, patience, and mildness of character render them worthy of a better destiny. Under these impressions, therefore, I have been impelled to lay before them genuine translations of parts of their scripture, which inculcates not only the enlightened worship of one God, but the purest principles of morality accompanied with such notices as I deemed requisite to oppose the arguments employed by the Brahmins in defence of their beloved system. Most earnestly do I pray that the whole may, sooner or later, prove efficient in producing on the minds of Hindus in general a conviction of the rationality of believing in and adoring the Supreme Being only; together with a complete perception and practice of that grand and comprehensive moral principle—*Do unto others as ye would be done by.*

It was natural that Ram Mohan Roy should have gathered round him a band of advanced young men who were groping for light out of the confusion and darkness into which their lives had fallen. On 28th August, 1828, he was able to start the Brahmo Sabha, which was soon transformed into the Brahmo Samaj. Two years later a building was set apart for the purposes of public worship. "This was the outward and visible sign," writes Miss Collet, "that the movement of religious reform to which he had given his life had attained something like permanency. The Society he had founded was showing itself no evanescent group of atoms but a veritable Church. It had passed from the stage of dream and hope through a series of tentative and preliminary experiments into a solid materialised fact."

Dwarkanath Tagore first assisted his old friend and master in the work of the new Church, which was continued after the death of the founder by Debendranath Tagore and by Keshab Chandra Sen. The Brahmo Samaj thus founded became one of the most potent influences for purity of faith and social reform in India. It staved off the danger of denationalisation resulting from allegiance to

alien beliefs, and it saved the youth of the day from scepticism and lax morality. From the Brahmo Samaj have sprung scholars and singers, artists and men of science who have contributed not a little to the new spirit in India.

**Trust Deed of the first Brahmo Samaj Place of Worship**

*Source.*—“Life and Letters of Raja Ram Mohan Roy.” S. D. Collet and Harold Collet. (Bucklersbury.)

(The trustees) shall at all times permit the said building, land tenements, hired tenements, and premises, with their appurtenances, to be used, occupied, enjoyed, applied and appropriated as and for a place of public meeting, of all sorts and descriptions of people, without distinction, as shall behave and conduct themselves in an orderly, sober, and devout manner;

For the worship and adoration of the Eternal, Unsearchable, and Immutable Being, who is the Author and Preserver of the Universe, but not under, or by any other name, designation or title, peculiarly used for, and applied to, any particular Being, or Beings, by any man or set of men whatsoever;

And that no graven image, statue or sculpture, carving, painting, picture, portrait, or the likeness of anything shall be admitted within the messuage, building, land, tenements, hereditaments, and premises; and that no sacrifice, offering, or oblation of any kind or thing, shall ever be permitted therein; and that no animal or living creature shall, within or on the said messuage, building, land, tenements, and premises, be deprived of life, either for religious purposes or for food;

And that no eating or drinking (except such as shall be necessary, by any accident, for the preservation of life), feasting or rioting be permitted therein or thereon;

And that, in conducting the said worship or adoration, no object, animate or inanimate, that has been, or is, or shall hereafter become, or be recognised, as an object of worship, by any man or set of men, shall be reviled, or slightly or contemptuously spoken of, or alluded to, either in preaching, praying, or in the hymns, or other mode of worship that may be delivered or used in the said messuage or building;

And that no sermon, preaching, discourse, prayer or hymn be delivered, made or used in such worship, but such as have a tendency to the promotion of the contemplation of the Author and Preserver of the Universe, to the promotion of charity, morality, piety, benevolence, virtue, and the strengthening

the bonds of union between men of all religious persuasions and creeds ;

And also, that a person of good repute and well known for his knowledge, piety, and morality, be employed by the said trustees . . . as a resident superintendent, and for the purpose of superintending the worship so to be performed, as is herein-before stated and expressed ; and that such worship be performed daily, or, at least, as often as once in seven days.

Ram Mohan Roy did not rest content with his work as a religious reformer ; his ardour for civil liberty was equally great. His sympathies were very cosmopolitan, and he looked upon the cause of the Neapolitan and the Irishman as his own. In his mind, religious, social and political reform were inseparable. His enthusiasm for religious reform was in no small measure due to the evil effects of the existing religious ideas on national spirit and enterprise. In a private letter dated January 28, 1828, he said,

" The present system of religion adhered to by the Hindus is not well calculated to promote their political interest. The distinction of castes introducing innumerable divisions and subdivisions among them has entirely deprived them of patriotic feeling, and the multitude of religious rites and ceremonies and the laws of purification has totally disqualified them from undertaking any difficult enterprise. . . . It is, I think, necessary that some change should take place in their religion, at least, for the sake of their political advantage and social comfort."<sup>1</sup>

In the days of his early manhood Mohan Roy began to associate with Europeans, and became acquainted with their laws and form of government. " Finding them generally more intelligent," he wrote in an autobiographical sketch, " more steady and moderate in their conduct, I gave up my prejudice against them, and became inclined in their favour, feeling persuaded that their rule, though a foreign yoke, would lead more speedily and surely to the amelioration of the native inhabitants." His views on the subject of education, as being those of the leading Anglicist of the time, are given in a later chapter. The bitter hostility which certain missionaries bore towards him did not prevent him

<sup>1</sup> *Ibid.*, p. 83.

from co-operating with Alexander Duff in his efforts to start an English school in Calcutta. And among his many services to Bengal should be mentioned his Bengali grammar, whilst his writings did much to raise Bengali into a literary language. Great also was his sympathy towards the downtrodden ryots, which was so prominent in his evidence before the Select Committee in 1831. On the other hand, when occasion offered, he was a stern critic of any intolerance on the part of his country's rulers. He advocated very strongly the rights of a free press, and attacked the illiberal provisions of the Jury Act of 1827. He also pleaded for the principle that Indians should be consulted before regulations of importance were passed by Government.

The last three years of Mohan Roy's life were spent in England, which country he visited as the accredited representative of the Great Mogul. He died and was buried at Arno's Vale, near Bristol, in 1833.

#### Mohan Roy's Place in History

*Source.*—“Life and Letters of Raja Ram Mohan Roy.” S. D. Collet and Harold Collet. (Bucklersbury.)

We are apt to suppose the full tale of his great services for India made up when he left her soil. He had initiated the Hindu Theistic movement. He had given it permanent literary expression. He had selected or indicated the order of Scriptures more peculiarly its own. He had seen it finally housed and endowed. The cause of English education which he had championed was now on the eve of official victory. And he had witnessed the abolition of Sati.

\* \* \* \* \*

But Ram Mohan's three years in the West form the crown and consummation of his life work. He was the first Brahman to cross the ocean and was the first Hindu of eminence to break the spell which for ages the sea had laid on India. The Imperial importance of the visit was no less striking. Ram Mohan Roy's presence in this country made the English people aware as they had never been before of the dignity, the culture, the piety of the race they had conquered in the East. In the court of the King, in the halls of legislature, in the select coteries of fashion,

in the society of philosophers and men of letters, in the Anglican church and in Nonconformist meeting-house, in the privacy of many a home and before wondering crowds of Lancashire operatives, Ram Mohan Roy stood forth the visible and personal embodiment of our Eastern Empire. He had interpreted England to India, so now he interpreted India to England.

He came, too, at the time of a crucial transition in the political history of the United Kingdom. He was an eager and sympathetic spectator of the stupendous revolution achieved by the first Reform Bill. While he was here he saw the East India Company changed by statute from a trading concern into a political organisation. He saw the Act pass which abolished slavery throughout the British dominions. The period of his visit covers the passing of the Factory Act and the beginnings of the Tractarian movement. The Manchester and Liverpool railway had been opened only a month or two before he left India. He was here, in a word, when New England was being born out of the heart of Old England—the New England of democracy, of social and industrial reform, of Anglican revival, and of the Imperial policy tempered by Nonconformist conscience. And at that decisive era, he was present, the noble and precocious type of the New India which has been growing up under British rule.

\* \* \* \* \*

In him the New England first became acquainted with New India, whose tribune and prophet he had been all his life. His place in the history of his country is very high. His own career of constant but incomplete transition constituted him the leader and the instrument of a kindred transition among his fellow-countrymen. The path he trod they seemed destined to follow ; more or less rapidly as opportunity and inducement vary, but perhaps none the less surely because the goal towards which he was moving was never by him visibly attained. Ram Mohan Roy stands in history as the living bridge over which India marches from her unmeasured past to her incalculable future. He was the arch which spanned the gulf that yawned between ancient caste and modern humanity, between superstition and science, between despotism and democracy, between immobile custom and a conservative progress, between a bewildering polytheism and a pure, if vague, theism. He was the mediator of his people, harmonising in his own person, often by means of his own solitary sufferings, the conflicting tendencies of im-memorial tradition and of inevitable enlightenment.

Inscription on the tomb of Ram Mohan Roy in the cemetery of Arno's Vale, near Bristol :—

Beneath this stone rest  
the remains of

RAJA RAMMOHAN ROY BAHADOOR

A conscientious and steadfast believer in the unity of the Godhead ;  
He consecrated his life with entire devotion to the worship of the Divine Spirit alone,  
To great natural talents he united a thorough mastery of many languages,  
And early distinguished himself as one of the greatest scholars of his day.

His unwearied labours to promote the social, moral and physical condition of the people of India, his earnest endeavours to suppress idolatry and the rite of Suttee, and his constant zealous advocacy of whatever tended to advance the glory of God and the welfare of man,  
live in the grateful remembrance of his countrymen.

This tablet records the sorrow and pride with which his memory is cherished by his descendants.

He was born in Radhanagar in Bengal in 1774, and died at Bristol, September 27, 1833.

## CHAPTER II

### THE EXECUTIVE AND LEGISLATIVE AUTHORITIES

#### THE CHARTER ACT OF 1833

THE new principles underlying the nature and objects of British rule in India, which involved an abstention from interference in the natural development of the people on the one hand and a burning desire to eradicate all that was harmful and inhuman on the other, were reflected in the attitude of the British Parliament towards India as well as in the actions of the great rulers to whom reference has been made in the last chapter. It was a time when in England men were beginning to think of the individual life and the individual soul, and to realise that the progress of the nation depended very largely on the improvement of the individual. A spirit of reform was abroad in every direction. And so it came about that the political leaders in England began to realise the extent of their responsibilities towards the millions of India's inhabitants who had been committed to their charge. The age of conquest had come to an end for a time ; the age of reconstruction had begun. And not only was that work of reconstruction characterised by a keen sense of responsibility and a distinct nobility of purpose, but also by the utmost care and deliberation. Action was preceded by consultation. A Select Committee of the House of Commons was appointed in 1832 to inquire into "the present state of the affairs of the East India Company" and to issue recommendations in regard to future policy. The evidence submitted before that Committee, from which several extracts are given below, points not only to the thoroughness with which the work was carried out, but also to the fact that a high sense of duty and responsibility was felt not merely by a few men of advanced opinions but also

by the majority of the Company's servants. The attitude of the Committee itself towards the problems of Indian Government can be gauged from the following extract:—

**Ideals of Indian Government**

*Source.*—Report of the Select Committee.

On a large view of the state of Indian legislation, and of the improvement of which it is susceptible, it is recognised as an indisputable principle that the interests of the native subjects are to be consulted in preference to those of Europeans, whenever the two come in competition; and that therefore the laws ought to be adapted rather to the feelings and habits of the natives than to those of Europeans. It is also asserted that, though the native law might beneficially be assimilated to British law in certain points, yet the principle of British law could never be made the basis of an Indian code; and finally, that the rights of the natives can never be effectually secured otherwise than by such amalgamation; by the appointment of a European judge to every Zillah court, with native judges as his assistants and assessors; and by the substitution of individual for collective agency.

Immediately connected with every plan for the good government of India, and for the introduction of ameliorating changes with the present system, is all that relates to the habits, character, and capacity of the native population. It appears that at present they are only employed in subordinate stations in the Revenue, Judicial, and Military Departments. They are said to be sufficiently observant of the practical merits and defects of our system; and to be alive to the grievance of being excluded from a larger share in the Executive Government, a disadvantage which is not considered as compensated by the increased security enjoyed under British protection, compared with the precariousness of all tenure under former Governments: it is amply borne out by the evidence that such exclusion is not warranted on the score of incapacity for business, or the want of application, or trustworthiness; while it is contended that their admission, under European control, into the higher offices would have a beneficial effect in correcting the moral obliquities of their general character; would strengthen their attachment to British dominion; would conduce to the better administration of justice; and would be productive of a great saving in the expenses of the Indian Government.

After deliberation the British Parliament proceeded to action, and action of a most important kind. The Charter

Act of 1833 marks a most important stage in the history of British administration in India. The Act itself is too lengthy for reproduction and therefore a summary of its more important provisions, prepared by Sir Courtenay Ilbert, has been substituted.

After the Act had been passed, the Directors sent out to India a famous despatch which is supposed to have been the work of James Mill and in which they expounded with remarkable lucidity the means by which, and the manner in which, the provisions should be carried out.

#### Summary of the Provisions of the Charter Act of 1833

*Source.*—Historical Introduction, “Government of India.” Sir Courtenay Ilbert. (Clarendon Press.)

When the time came round again for renewing the Company's charter, Lord William Bentinck's peaceful *régime* had lasted for five years in India; the Reform Act had just been carried in England, and Whig principles were in the ascendant. Bentham's views on legislation and codification were exercising much influence on the minds of law reformers. Macaulay was in Parliament, and was Secretary to the Board of Control, and James Mill, Bentham's disciple, was the examiner of Indian correspondence at the India House. The Charter Act of 1833, like that of 1813, was preceded by careful inquiries into the administration of India. It introduced important changes into the constitution of the East India Company and the system of Indian administration.

The territorial possessions of the Company were allowed to remain under their government for another term of twenty years; but were to be held by the Company “in trust for His Majesty, his heirs and successors, for the service of the Government of India.”

The Company's monopoly of the China trade and the tea trade was finally taken away.

The Company was required to close up their commercial business and to wind up their affairs with all convenient speed. Their territorial and other debts were charged on the revenues of India, and they were to receive out of those revenues an annual dividend at the rate of £10 10s. per cent on the whole amount of their capital stock (i.e. £630,000 a year), but this dividend was to be subject to redemption by Parliament on payment of £200 sterling for every £100 stock, and for the purpose of this redemption a sum of £2,000,000 was to be paid

by the Company to the National Debt commissioners, and accumulated with compound interest until it reached a sum of £12,000,000.

The Company while deprived of their commercial functions retained their administrative and political powers under the system of double government instituted by previous Acts, and in particular continued to exercise their rights of patronage over Indian appointments. The constitution of the Board of Control was modified, but as the powers of the Board were executed by its president, the modifications had no practical effect. The Act re-enacted provisions of the former Act as to the "Secret Committee" of the Court of Directors, and the despatches to be sent through that committee, and it simplified the formal title of the Company by authorising it to be called the East India Company.

No very material alteration was made in the system by which the executive government was to be carried on in India.

The superintendence, direction, and control of the whole civil and military government were expressly vested in a governor-general and councillors who were to be styled "the Governor-General of India in Council." This Council was increased by the addition of a fourth ordinary member, who was not to be one of the Company's servants and was not to be entitled to act as member of Council except for legislative purposes. It need hardly be stated that the fourth member was Macaulay.

The overgrown Presidency of Bengal was to be divided into two distinct presidencies, called the Presidency of Fort William and the Presidency of Agra. But this provision never came into operation. It was suspended by an enactment of 1835 (5 & 6 Will. IV, c. 52), and the suspension was continued indefinitely by the Charter Act of 1853 (16 & 17 Vict., c. 95, s. 15).

The intention was that each of the four presidencies, Fort William, Fort St. George, Bombay, and Agra, should have for executive purposes a governor and council of its own. But the Governor-General and his Council were to be, for the present, the Governor and Council of Fort William, and power was given to reduce the members of the Council or even suspend them altogether and vest the executive control in a governor alone.

"In 1833," says Mr. Cowell, "the attention of Parliament was directed to three leading vices in the process of Indian government. The first was in the nature of the laws and regulations; the second was in the ill-defined authority and power from which these various laws and regulations emanated;

and the third was the anomalous and sometimes conflicting judicatures by which the laws were administered."

The Act of 1833 vested the legislative power of the Indian Government exclusively in the Governor-General in Council, who had been, as has been seen, reinforced by the addition of a fourth legislative member. The four Presidential Governments were merely authorised to submit to the Governor-General in Council "drafts or projects of any laws or regulations which they might think expedient," and the Governor-General in Council was required to take these drafts and projects into consideration and to communicate his resolutions thereon to the Government proposing them.

The Governor-General in Council was expressly empowered to make laws and regulations :—

(a) for repealing, amending or altering any laws or regulations whatever, for the time being in force in the Indian territories ;

(b) for all persons whether British or native, foreigners or others, and for all courts of justice, whether established by charter or otherwise, and the jurisdiction thereof ;

(c) for all places and things whatsoever within and throughout the whole and every part of the said territories ;

(d) for all servants of the Company within the dominions of princes and States in alliance with the Company ; and

(e) as articles of war for the government of the native officers and soldiers in the military service of the Company, and for the administration of justice by courts martial to be holden on such officers and soldiers.

But this power was not to extend to the making of any laws and regulations—

(i) which should repeal, vary, or suspend any of the provisions of the Act of 1833, or of the Acts for punishing mutiny and desertion of officers and soldiers in the service of the Crown or of the Company ; or

(ii) which should affect any prerogative of the Crown or the authority of Parliament or the constitution or rights of the Company, or any part of the unwritten laws or constitutions of the United Kingdom, whereon may depend the allegiance of any person to the Crown or the sovereignty or dominion of the Crown over the Indian territories ; or

(iii) without the previous sanction of the Court of Directors, which should empower any court other than a chartered court to sentence to death any of His Majesty's natural-born subjects born in Europe or their children or abolish any of the chartered courts.

There was also an express saving of the right of Parliament to legislate for India and to repeal Indian Acts and the better

to enable Parliament to exercise this power all Indian laws were to be laid before Parliament.

Laws made under the powers given by the Act were to be subject to disallowance by the Court of Directors, acting under the Board of Control, but when made, were to have effect as Acts of Parliament, and were not to require registration or publication in any court of justice.

The laws made under the Act of 1833 were known as Acts, and took the place of the "regulations" made under previous Acts of Parliament.

The above summaries show clearly the nature and importance of the Act. The provisions by which the East India Company gave up its commercial privileges and which opened the door to English enterprise will be discussed in another volume. Those dealing with the codification of the existing law, the employment of Indians in the public services, and the patronage enjoyed by the Directors will be dealt with in subsequent chapters.

In the discussion preceding the passing of the Act many had expressed the necessity of uniformity in the matter of legislation. Hitherto, the Governor-General in Council could issue regulations which, subject to registration by the Supreme Court, were binding on Bengal; and the Governments of Madras and Bombay had similar powers for those presidencies respectively. Lord William Bentinck stated his opinion officially that there should be one legislative authority for the whole of India. Moreover, the free admission of Europeans into the country—and especially beyond the limits of the Presidency towns into the Mufassal—which was contemplated under the Act was incompatible with the old system of conflicting regulations. It seemed necessary, therefore, to unite all the functions of legislation in one central government. The Governor-General in Council therefore became the sole legislative authority in India. In their despatch explaining the provisions of the new Act the Directors dealt at great length with the spirit in which legislation should be carried out, the position and duties of the Law Member, and the necessity of consulting the subordinate Governments and public opinion generally.

## Methods of Legislation

*Source.*—Despatch accompanying the Government of India Act, 1833. (3 & 4 Will. IV, s. 5.) Dated 10 December, 1834. From the Board of Directors, East India Company, to the Government of India. (Parliamentary Papers.)

1. In considering the alterations which have been made by the Act of last Session of Parliament in the constitution of the Indian Government, it seems to us of importance that a very full communication should take place between your Government and us, of the views we respectively entertain of the operation of the new enactments, and of the mode in which the powers entrusted to us can best be employed for fulfilling the benevolent intentions of the Legislature.

9. The Act unsealed for the first time the doors of British India to British subjects of European birth. Hitherto the English in India have been there only on sufferance. Now they have acquired a right, however qualified, to live in the country and even to become occupants of land, and there is every prospect of considerable increase of their numbers. It is therefore necessary that the local governments should have full means of dealing with them, not merely in extreme cases and by a transcendental act of authority, but in the current and ordinary exercise of its functions, and through the medium of laws carefully made and promptly and impartially administered. On no other condition could the experiment of a free ingress of Europeans be safely tried.

10. While new legislative powers are conferred on the Supreme Government, the legislative powers hitherto possessed by the Subordinate Governments are to be modified and abridged. On this topic we need hardly refer to the discussions which have of late years taken place both in India and in England on the best mode of constituting the Indian Government; the decisive consideration with the Legislature probably was the necessity of strengthening the Supreme Government in consequence of the free admission of Europeans into the interior of the country.

11. In whatever way the Europeans may disperse themselves throughout India they will be united together by a powerful sympathy, and will, in fact, maintain a constant communication. It is therefore both just and natural that they should live under the control of the same laws, nor would it be easy to legislate in reference to a part of them without keeping in view the whole body. It is especially to be recollected that the task of legislating in India for Europeans naturalised in the country and not dependent on the Government is altogether new and experimental. The difficulties of this task may have been overrated;

but undoubtedly they are not slight or evanescent ; and they would be much aggravated if the different Governments were all armed with coequal and independent legislative powers, and if they were to proceed to exercise such powers at their discretion respectively, or perhaps with very different views and according to inconsistent principles. While therefore it is important, in reference to the admission of Europeans into the interior, that the Subordinate Governments, commanding as they do different regions of the Empire, should retain their executive capacities, and even that a new station of executive control and management should be added to them in the north of India, yet there seem good reasons for collecting and uniting all the functions of legislation in one central and metropolitan government.

14. The first point that occurs is the mode or process by which you are to make and to promulgate laws. Promulgation may take place in many ways, and the means of effecting it are easy of contrivance, but the process by which the law which is to be promulgated shall first be made is a matter of nicety, and to be settled with much thought and care. On this head, however, it is not necessary nor expedient to set forth the particular steps or formalities by which you are to proceed. We shall, we think, best comply with the intention of the Legislature by stating the principles which you should keep in sight in discharging the important duties in question, and which should be embodied in such rules as you may frame for the purpose.

15. The first rule is that no law, except one of an occasional kind, or arising out of some pressing emergency, should be passed without having been submitted to mature deliberation and discussion.

16. Trite as this maxim may appear, we are of opinion that it should be distinctly and very carefully acted upon in framing your rules of procedure. In this country the length and publicity of the process by which a law passes from the shape of a project into that of a complete enactment, and the conflict of opinions through which the transit must be made, constitute a security against rash or thoughtless legislation. There may, indeed, be exceptions, for there are cases in which the pressure of popular opinion forces a law prematurely into existence. To any danger of the latter kind your legislative proceedings will not, for some time at least, be exposed ; but where the discussion is confined to the seclusion of a chamber, it is only the determined prudence of those who are concerned that can guard against the hazard of precipitance. We deem it of great moment, therefore, that you should by positive rules provide that every project or proposal of a law shall travel through a defined succession of stages in council before it is finally adopted ; that at each stage it shall be thoroughly discussed ; and that the intervals of

discussion shall be such as to allow to each member of Council adequate opportunity of reflection and inquiry. . . . For that end more minute, detailed and comprehensive rules are necessary.

18. In framing such rules provision must, of course, be made for extreme cases, and in the last resort the ultimate power specifically named by the 49th clause of the new Act to the Governor-General of acting singly and on his own responsibility will afford refuge from the possible evil of distracted counsels and infirm resolutions. But the occasions which compel the use of these extreme remedies rarely occur in well-governed states; and, in general, we are persuaded that in a punctual, constant, and even fastidious adherence to your ordinary rules of practice you will find the best security, not only for the efficiency but also for the despatch of your legislative proceedings.

19. While thus considering the deliberative part of your duties, our attention is necessarily led to one important alteration which the Act has made in the constitution of the Supreme Council; we allude to the appointment of the fourth ordinary member of Council as described in the 40th clause.

20. In the first and simplest view of this remarkable provision, the presence and assistance of the fourth councillor must be regarded as a substitute for that sanction of the Supreme Court of Judicature which has hitherto been necessary to the validity of regulations affecting the inhabitants of the presidencies, but which under the new system will no longer be required. It is, however, evident that the view of the Legislature extended beyond the mere object of providing such a substitute.

21. The concurrence of the fourth member of Council may be wanting to a law, and the law may be good still; even his absence at the time of enactment will not vitiate the law; but Parliament manifestly intended that the whole of his time and attention, and all the resources of knowledge or ability which he may possess, should be employed in promoting the due discharge of the legislative functions of the Council. He has, indeed, no pre-eminent control over the duties of this department, but he is particularly charged with them in all their ramifications. His will naturally be the principal share not only in the task of giving shape and connexion to the several laws as they pass, but also in the mighty labour in collecting all that local information, and calling into view all those general considerations which belong to each occasion, or of thus enabling the Council to embody the abstract and essential principles of good government in regulations adapted to the peculiar habits, character, and institutions of the vast and infinitely diversified people under their sway.

22. It will be observed that the fourth member is declared

not to be entitled to sit or vote in the Council except at meetings for the making of laws and regulations.

24. It should, we think, be open to every member of Council to propose any law or regulation for adoption, and his proposal should be taken into discussion, even though he should, at the outset, stand alone in his opinion. In deliberative assemblies, differently and more numerously constituted, no proposition can be entertained which is not seconded as well as moved. The reasonableness of the rule is obvious ; but, in the deliberations of a small and select body, we do not think that the same condition should be expressed.

25. We shall say no more of the necessity of deliberation among yourselves. Another point, not less important, is to provide that, in the work of legislation, you shall, as far as may be practicable, avail yourself of external aid. Persons who are not members of your body may afford you valuable assistance, either by suggesting laws that are required, or by pointing out what is impassable or objectionable in the drafts or projects of laws under consideration.

26. With respect to the suggestion of new laws, the Act (by clause 66) expressly requires you to take into consideration the drafts or projects of laws or regulations which any of the Sub-ordinate Governments may propose to you ; but on this point we shall afterwards have occasion to observe more particularly. The Act also contemplates constant communications from the law commissioners, which communications are intended to furnish the grounds or the materials for legislation. Useful intimations may also be derived from the public boards, from the judges of the Supreme Courts, from all persons, whether native or European, invested with a judicial character, or holding official stations of eminence, from all colleges, and other constituted bodies, perhaps from the native heads of villages, or even private individuals of personal weight and influence.

27. Not less material is the other object to which we have adverted—that of taking the opinions of the community, or of influential persons, on the projects of law under consideration—an advantage which in England is secured by the publicity of the discussions in Parliament, and by the time which the passing of an Act requires, but which can be obtained in India only by making special provision for it.

30. With respect to the promulgation of laws, our chief direction to you would be to persevere in the practice which you at present pursue, as being on the whole both proper and efficient ; but we must point your observation to one object for which it does not sufficiently provide. The laws are now printed in English, in the language of the courts, and in whatever is the prevalent language of the country, and copies of them are

furnished to the several functionaries of Government. It would be desirable that they were more generally known to the people. It will deserve your consideration what measures can be taken for that end. One thing at any rate can be done ; cheap copies in the language of the country ought to be everywhere ready for sale to all who have the desire to possess them.

33. Heretofore, you have been interested with extensive powers of superintendence over the legislation of the subordinate presidencies. But as these presidencies have had the right of legislating for themselves, your superintendence has been exercised only on rare and particular occasions. Now these legislative functions, with a reserve for certain excepted cases, are to be subordinate to those of the Supreme Government. The whole responsibility rests on you ; and every law which has an especial reference to the local interests of any of those presidencies, and every general law in respect of its particular bearing and operation on such local interests, ought to be pre-considered by you with as deep and as anxious attention as if it affected only the welfare of the presidency in which you reside. You may, indeed, receive from the subordinate presidencies suggestions or drafts of laws, and these it may frequently be expedient to invite. But in no instance will this exempt you from the obligation of so considering every provision of the law as to make it really your own, the offspring of your own minds, after obtaining an adequate knowledge of the case. We say this, knowing as we do how easily the power of delegating a duty degenerates into the habit of neglecting it, and dreading lest at some future period, under the form of offering project laws, the subordinate presidencies should be left to legislate for themselves, with as little aid from the wisdom of the Supreme Government as when the power of legislating was ostensibly in their own hands.

37. In contemplating the extent of legislative power thus conferred immediately on our Supreme Government, and in the second instance on ourselves ; in considering that on the use of this power the difference between the worst and the best of governments mainly depends ; in reflecting how many millions of men may, by the manner in which it shall in the present instance be exercised, be rendered happy or miserable ; in adverting to the countless variety of interests to be studied and of difficulties to be overcome in the execution of this mighty trust, we own that we feel oppressed by the weight of the responsibility under which we, with you, are conjointly laid. Whatever means or efforts can be employed on the occasion ; whatever may be effected by true and active discussion, or by profound and conscientious deliberation ; whatever aids can be derived from extrinsic counsel or intelligence, all or the utmost will be barely

commensurate with the magnitude of the sphere to be occupied, and of the service to be performed. We feel confident that to this undertaking your best thoughts and care will be immediately and perseveringly applied, and we invite the full, the constant, and the early communication of your sentiments in relation to it. On our part we can venture to affirm that no endeavours shall be wanting in promoting your views and perfecting your plans. Others also who are in a situation, by advice or exertion, to assist in the work will contribute to it, we hope, to the extent of their power ; and we trust that, by the blessing of Divine Providence on our united labours, the just and beneficent intentions of this country in delegating to our hands the legislative as well as the executive administration of the mightiest, the most important, and the most interesting of its transmarine possessions, will be happily accomplished.

It was also necessary to define the powers of the Governor-General in Council in the matter of the general administration of the country. It is true that former Acts of Parliament had given the Government of Bengal as complete a control over the other presidencies as it was possible for language to convey, but the control as a matter of practice was nominal rather than real. Another question for decision was whether the duties of the Supreme Government "should be exclusively those of general control and independence" or whether it should have, in addition, the direct control over Bengal and, if so, whether the unwieldy Presidency of Bengal should not be divided into two by the formation of a presidency of Agra. On these questions expert opinion was divided. Lord William Bentinck and his colleagues approved the principle whereby the Supreme Government should control the actions of subordinate Governments, but the Governor-General did not carry his Council with him in his contention that the Supreme Government should continue to exercise direct control over Bengal<sup>1</sup> and that Bengal should remain undivided.

<sup>1</sup> "I have to express my entire assent to the opinion that the Supreme Government of India should no longer remain charged with the local administration of any one of its Presidencies."—W. B. Bayley.

"It seems indispensable that the Supreme Government should be relieved from the laborious occupation of local administration."—Sir C. Metcalfe.

### The Duties of the Government of India

*Source.*—Minute of Lord William Bentinck. Dated September 14, 1831. (Parliamentary Papers.)

The members of the Committee, as well as my two colleagues, Mr. Bayley and Sir C. Metcalfe, concur in the opinion that the local details pressing upon the time of the Supreme Government utterly preclude its performance of the higher and more important functions of its office. To this opinion I entirely assent.

The same concurrence of opinion exists as to the necessity of the Supreme Government being divested of all local charge, and that its duties should be confined to a general control of the subordinate presidencies, and that a distinct and a fourth government should be formed for the Upper Provinces.

Of the total inadequacy of a government stationed at Calcutta to control and superintend the administration in the Western Provinces, I have frequently had occasion to remark, and actual investigation has amply confirmed the justness of the opinion.

Upon the degree of control which it would be most salutary for the Supreme Government to exercise over the other presidencies, there appears to be no great difference of opinion. Hitherto, this control has been rather nominal than real. It has been confined to general measures of government, to political negotiations, to the making of treaties, to the declaration of war, to great financial arrangements, and latterly, to the confirmation of all regulations.

In the details of the administration of the subordinate presidencies the Supreme Government have no interference. The only knowledge they have of their proceedings is from the copies of their despatches to the Court, and by the published orders of the Government and of the Commander-in-Chief. The Supreme Government have, indeed, the power of issuing orders, if they observe anything in these communications deserving of strong disapprobation. But it would be highly inexpedient to use the power except in extreme cases, because the act being done, a public revocation of it places the Subordinate Government in some degree of embarrassment and humiliation; and the measure being under reference to the Court, the Supreme Government may be found in the same objectionable position with respect to its own superiors; and from the public proclamation of conflicting orders and sentiments much inconvenience must unavoidably arise.

The Subordinate Governments naturally enough stickle for their own independence. They objected strongly to their regulations being made subject to the sanction of the Supreme Government, though it would seem difficult to understand how

legislation, except upon occasions of public danger, or some other pressing emergency, can be otherwise than benefited by additional discussion and deliberation, by more enlarged experience, and by a comparison with the success of remedies applied to the same evils ; and so the Honourable Court in their wisdom have ruled. But in all other proceedings of the administration, what disadvantage could arise from a prompt and immediate check upon any departure from uniformity of system, upon a non-compliance with the orders of the home authorities, an evasion of which is so encouraged and facilitated by the endless delay of repeated references to so distant an authority, and above all, upon lavish expenditure ? In the Military Department instances daily occur of indulgences granted in one army, to which the officers and soldiers of the other, whether European or native, may have an equal right.

\* \* \* \* \*

It might be assumed from the preceding remarks that I am in favour of a Supreme Government, as recommended by the Committee and my colleagues, whose duties should be exclusively those of general control and superintendence. But my concurrence only goes to the expediency of a more effective control in the Supreme Government over the other presidencies, and I consider this to be practicable, without the great change proposed of forming Bengal into two presidencies, to which there are great local and practical objections, and without incurring the great expense that this larger scheme would entail ; although I entirely adopt the sentiments of Mr. Bayley that for so great an object as a much improved government of the immense empire, the additional charge, even at the highest scale, is not worth a moment's consideration.

My first objection is to the separation of the Presidency of Bengal into two separate Governments. It is true that there is a broad line distinguishing the Upper from the Lower Provinces; they are different in climate, in character, and in their political circumstances. They each ought to have within their reach those authorities, revenue and judicial, upon whom their rights and interests so materially depend. But in other respects there is a great mutual connexion between their general interests ; one river pervades the whole territory from west to east ; one port receives all its produce ; Calcutta is the great exchange upon which the commercial and pecuniary transactions of the whole are carried on. For these, and for many other reasons, it would be very inconvenient to divide the control.

\* \* \* \* \*

With respect then to the Bengal Presidency, all the territories at present constituting it should, in my opinion, be subject, as now, to a Governor-General in Council; but the seat of Government should be placed in the Upper Provinces, the scene of all its most important transactions, revenue, military, and political. No spot presents so many advantages for direct control, and for ready intercourse with the most distant provinces, and for the despatch of all business, as Allahabad. I annex to this minute a map showing its contiguity to our most important affairs. It is immediately adjacent to Oude, to the Saugur and Nerbudda territories, to Bundelcund; it has under its eyes the revenue settlements of the Upper Provinces, of such vast importance to the Government and to the people, and which could no longer so shamefully stagnate. Gwalior, Malwa, and Rajputana are all brought within easy means of immediate superintendence, and of personal communication if necessary. A steamer from Allahabad would reach Agra or Delhi on the Jumna, and any place equally distant on the Ganges, in four or five days. At Allahabad, also, the Government may have the advantage of the advice of the Commander-in-Chief in Council, as contemplated by the Legislature, whose head-quarters for the future always ought to be, and I may venture to predict always will be, in the Upper Provinces.

But to relieve the Supreme Government of the load of details which has hitherto so unworthily occupied its time, it is necessary that a subordinate authority, similar to that of Vice-President in Council, should, under the orders of the Governor-General in Council, reside at the Presidency, superintending the revenue and judicial administration of the Lower Provinces, and of all our territories to the eastward, and conducting all the business at Calcutta. Having now been absent from Calcutta since October, and having reserved to myself a complete cognisance and control over the whole affairs of the Presidency, very much similar to what should be executed by the Governor-General in Council if placed at Allahabad, I am, from this actual experiment, inclined to think that the Supreme Government would be enabled to devote sufficient attention to the general affairs of the empire without renouncing the direct management of the Bengal Presidency.

Nor would it seem desirable that a minute interference with the administration of the Subordinate Governments should take place; the interference should be rather of check, of a preventive and restraining, than of an active and meddling character. The Supreme Government should come in aid, and not in supersession of the home authority. It should supply that defect and weakness in the home direction arising from distance, from the delay in the issue of its orders, and from the imperfect

knowledge it must possess of the circumstances and true bearings of very many questions. Its business would be to preserve the system as already approved from innovation, to prevent all new expenditure, to prohibit all changes in the various details connected with the military establishment, which are for ever occurring in spite of the Court's orders, and especially so to superintend the general distribution of the troops of all the presidencies, as to make the whole act in unison for the general defence. But it is impossible for the Supreme Government to perform even the least part of these duties without knowing beforehand the intentions of the other Governments ; and for its accomplishment it would be necessary to require that all reports of their proceedings, as is the case with all subordinate authorities, should be made direct, and in the first instance, to the Supreme Government, copies being sent for the information of the Honourable Court.

With respect to the constitution of the Supreme Government, it might be either left as it is, or with reference to the whole of India being now subject to British rule, and to the expediency therefore of its being regulated by one uniform system of policy, it might be thought preferable to compose it of the governor-general and one councillor from each of the three presidencies. The knowledge and experience of the whole would thus be combined for the general improvement. How much would the revenue settlements of Bengal have been promoted, if by such means the spirit of Sir Thomas Munro's superior management could have been infused, and practically brought to bear upon this branch of our administration ?

The Act of 1833, as has been seen from the summary quoted above, decided that the Presidency of Bengal should still remain under the direct control of the Supreme Government, and it was not until after the Act of 1853 that a Lieutenant-Governor was appointed for that province. A new Presidency of Agra was arranged, but it was eventually decided to have a lieutenant-governorship instead. At the same time the superintendence, direction, and control of the whole civil and military government of the Company's territories in India was vested in the Governor-General in Council. In their despatch referred to above, the Court of Directors laid down certain principles which should govern the relations between the Supreme and the subordinate Governments.

### Relations between the Supreme and Subordinate Governments

*Source.*—Despatch accompanying the Government of India Act, 1833 (3 & 4 Will. IV, s. 5). Dated 10 December, 1834. From the Board of Directors, East India Company, to the Government of India. (Parliamentary Papers.)

We will proceed to consider the new relation in which you will be placed with reference to the Subordinate Governments, not by means of your legislative supremacy, but in other respects.

77. The words of the 39th clause are very comprehensive : “ The superintendence, direction, and control of the whole civil and military government of all the said territories and revenues in India shall be vested in the said Governor-General in Council.”

78. The powers here conveyed, when the words are interpreted in all their latitude, include the whole powers of government. And it is of infinite importance that you should well consider and understand the extent of the responsibility thus imposed upon you. The whole civil and military government of India is in your hands, and for what is good or evil in the administration of it, the honour or dishonour will redound upon you.

79. With respect to the exercise of your legislative powers in the several presidencies, what we have adduced of a general nature on that subject will, for the present, suffice.

80. With respect to the other powers which you are called upon to exercise, it will be incumbent upon you to draw, with much discrimination and reflection, the correct line between the functions which properly belong to a local and subordinate government and those which belong to the general government ruling over or superintending the whole.

81. When this line is improperly drawn, the consequence is either that the general government interferes with the province of the local government, and enters into details which it cannot manage, and which preclude its consideration of more important objects ; or that it withdraws its attention from the evidence of many things which may be right or wrong in the general course of the local administration, and thus partially deprives the State of the benefit of its superintendence and control.

82. It is true that the former Acts of Parliament which made the local government of Bengal a Supreme Government gave the Governor-General in Council a control and a superintendence over the other presidencies as complete and paramount as it was possible for language to convey, and this we must assume to have been the intention of the Legislature. In practice, however, the Supreme Government made little exercise of its superintending authority, and the result has been that even that little

exercise of it has been generally made when it was too late to be made with real effects, namely, after the Subordinate Government had taken its course, thus losing the character of control and responsibility, and retaining only that of *ex post facto* intervention—a sort of intervention always insidious, and in most cases nothing but insidious, because what was already done, however open to censure, was beyond the reach of recall and correction.

83. It is evidently the object of the present Act to carry into effect that intention of the Legislature to which we have alluded. Invested as you are with all the powers of government over all parts of India, and responsible for good government in them all, you are to consider to what extent, and in what particulars, the powers of government can be best exercised by the local authorities, and to what extent, and in what particulars, they are likely to be best exercised when retained in your hands. With respect to that portion of the business of government which you fully confide to the local authorities, and with which a minute interference on your part would not be beneficial, it will be your duty to have always before you evidence sufficient to enable you to judge if the course of things in general is good, and to pay such vigilant attention to that evidence as will ensure your prompt interposition whenever anything occurs which demands it.

84. In general it is to be recollected that in all cases where there are gradations of authority the right working of the system must very much depend on the wisdom and moderation of the supreme authority and also of the subordinate authorities. This is especially true of a system so peculiar as that of our Indian Empire. It was impossible for the Legislature, and it is equally so for us in our instructions, to define the exact limits between a just control and a petty, vexatious, meddling interference. We rely on the practical good sense of our Governor-General in Council, and that of our other Governors, for carrying the law into effect in a manner consonant with its spirit, and we see no reason to doubt the possibility of preserving to every Subordinate Government its due rank and power, without impairing or neutralising that of the highest.

87. The division of the Bengal Presidency into two presidencies will require some temporary proceedings of a particular nature. When the Government of Agra is once established, and the arrangements for conducting its administration are completed, it will proceed in the same train as the other governments, but in the meantime these arrangements will require much of your care.

93. We have also informed you that we have not thought it necessary or desirable to appoint a separate council to assist

the Governor-General in the local administration of the Presidency of Fort William. Under this arrangement the Governor-General has functions of two sorts to perform in regard to Bengal ; to co-operate with his council in controlling the Bengal Government, and to carry on that Government alone, if without a council, or as president of the council, if he has one.

94. It is very evident how important a duty you will have to perform in maturing a scheme by which the separate duties of the Governor-General may be performed with least detriment to one another. The time which he bestows upon the one must necessarily be withdrawn from the other ; and it will be incumbent upon you with the utmost diligence to consider in what way this division of the time and attention of the Governor-General, and the limited portion of both which he can divide to either class of his duties, can be prevented from producing evil consequences.

95. There is also something peculiar in the position in which you will stand with respect to the superintendence and control of the Bengal Government. It is in this case your own president whom you will have to control, and a state of things may perhaps occur which may in some cases occasion embarrassment. In order to obviate possible evil, you will do well to meet the exigency before it shall arise. Much difficulty would thus be removed, because by adherence to pre-established rules all insidiousness would be taken away.

97. The Legislature has left the seat of the Supreme Government, both permanent and temporary, to its own choice. The important circumstance, however, of making the Governor-General local Governor of Bengal renders it necessary that his habitual residence should be in the place where he can best perform both sets of his duties ; that is in Bengal. We have no doubt, therefore, that you will concur with us in thinking the seat of the Supreme Government should be at Calcutta, where your records are now deposited, and where the requisite buildings, public and private, already exist.

101. We have thus touched upon the more comprehensive of your legislative and superintending duties, and have directed your attention to the subjects which we think most immediately call for consideration and arrangement with the hope of making our suggestions intelligible, and showing on which subjects we desire the benefit of your reflections in return.

## CHAPTER III

### THE ADMINISTRATION OF JUSTICE

#### The Importance of the Law in the Development of an Indian Policy

*Source.*—“Administrative Problems of British India.” M. Chailley.  
(Macmillan.)

IN the vast field of Indian policy which we are considering, it is in the sphere of law that the English have afforded the highest example of scruple, ingenuity, and tenacity, and it is here that the reader who seeks for practical instruction will find most to learn. Not that the work has been entirely satisfactory, or that colossal errors have not been committed—the British do nothing by halves. But their very errors, and the successive ideas which have influenced them, are lessons in themselves, and I will add that if the criticisms of the law which England has given to India be candidly examined, one is led to ask whether any other nation would have done better, or would even have sought to avoid the mistakes committed.

The work was complex. *It<sup>1</sup> implied anxiety to maintain part of what had been combined with a generous desire to introduce part of what ought to be.* Frequent and grave mistakes may have been made in the application of such a combination, but the attempt was, at least, honourable. Men have done what they could ; it was for time to do the rest. The law may occasionally be in advance of the peoples, but, if so, the peoples are marching to overtake the law.

\* \* \* \* \*

Clive, the true founder of British dominion in India, had changed trading settlements into a territorial dominion, and henceforward the East India Company was more concerned with the cares of government than with mercantile motives. It had to conduct, preserve, and administer an entire people. In a few years these new duties altered the old conceptions. The laws of England lost their character of universality in the

<sup>1</sup> Our italics.

eyes of the British administrators, and local laws and customs became a matter for their consideration, not merely on their own merits, but on account of the value that the Indians attached to them. The British had, in fact, begun to appreciate the character and necessity of a native policy. They had defeated their European rivals, the French and the Dutch, but they did not know at the time how complete their victory had been, and they were to be disquieted by the dread of French intervention for half a century to come. They also began to realise the immensity of India. The territories which Clive had conquered for them were small compared to those which remained beyond. The great name of the Mogul still inspired respect and awe. The British were little acquainted with the peoples they had conquered, but realised their magnitude. England was far off, and distracted from the affairs of India by her European (and presently by her American) policy, while the Company provoked her jealousy and hatred. She could not be relied on for any great assistance in Asia. The Company's officials in Bengal and Madras thus found themselves in a position of unstable equilibrium. Imprudent conduct, and measures which irritated the conquered peoples, might lead these, peaceable as they were, to overthrow, by their mere mass, a Government which was much more feeble than it seemed to be, and the work of 150 years might thus be undone in an hour. What course, then, was to be pursued? This question was to give birth to, and procure the triumph of, a true native policy. It was necessary not to make the natives discontented, but at the same time not to weaken the prestige of the European, or to sacrifice the Western morality which he represented. *Now<sup>1</sup> native policy consists in practising the art of respecting the belief of others without the appearance of weakness, and defending one's own ideas without the appearance of brutality.*

Such then were the ideals of an Indian policy in regard to the law itself which the British rulers have put before themselves. M. Chailley has referred, and rightly, to the serious blunders which have been made in feeling the way towards the goal. It is necessary, therefore, to remind ourselves of the enormous difficulties which confronted the Company in its early days when a few merchants undertook with very little forethought and "in a fit of absence of mind" political responsibilities over millions of people whom they did not understand, and with hardly a vestige of that administrative

<sup>1</sup> Our italics.

machinery which was so essential. There can be little wonder, therefore, that there were blunders.

The most unfortunate of these was the attempt, in accordance with the Regulating Act in 1773, to introduce English law to a people who could scarcely hope to understand it or appreciate its virtues. "The new English judges," writes Captain Kaye, "carried with them the most inflated ideas of the beauties and benignities of the English law. They went out to save, and they destroyed. Instead of maintaining order and preserving peace they threw the settlement into confusion, and engendered the most unseemly strife. Instead of a blessing they conferred a curse upon the people and instead of security, terror." The situation is portrayed with remarkable clearness by Macaulay in his essay on Warren Hastings.

The results of this experiment proved so disastrous that it was decided that English law should no longer be applicable to natives of the country. In their instructions to Lord Cornwallis the Directors expressed their desire "to accommodate their views and interests to the subsisting manners and usages of the people, rather than to any abstract theories drawn from other countries, or applicable to a different state of things." Even in suits between Indians within the jurisdiction of the Supreme Court account was to be taken of the personal law of the parties concerned, whether Hindu or Muhammadan. Thus was the great principle laid down and established that respect should be paid to the beliefs and usages of the people. Changes and modifications, however, were necessary from time to time, and these were provided in the shape of regulations which were promulgated by the Governor-General in Council for the benefit of Bengal in accordance with the Regulating Act of 1773, and by the Governments of Madras and Bombay, who were granted similar powers in 1800 and 1823 respectively.

Again, however, did the experiment fail. What seemed so excellent in theory broke down in practice. There was hopeless confusion and a lamentable lack of definition as to what was the law and what was not. Sir Courtenay Ilbert

has explained the confusion that prevailed in the following words :—

At that date there were five different bodies of statute law in force in the (Indian) Empire. First, there was the whole body of statute law existing, so far as it was applicable, which was introduced by the Charter of George I, and which applied, at least, in the presidency towns. Secondly, all English Acts subsequent to that date which were expressly extended to any part of India. Thirdly, the regulations of the Governor-General's Council which commence with the Revised Code of 1793, containing forty-eight regulations, all passed on the same day (which embraced the results of twelve years' antecedent legislation) and were continued down to the year 1834. They only had force in the territories of Bengal. Fourthly, the regulations of the Madras Council which spread over the period of thirty-two years from 1802 to 1834 and are (were) in force in the Presidency of Fort St. George. Fifthly, the regulations of the Bombay code which began with the revised code of Mr. Mount-stuart Elphinstone in 1827, comprising the results of twenty-eight years' previous legislation, and were also continued until 1834, having force and validity in the Presidency of Bombay.

The Act of 1833, therefore, made provision for a comprehensive consolidation and codification of Indian laws, "due regard being had to the rights, feelings, and peculiar usages of the people." An account of the work performed by the two Law Commissions is given below.

#### Codification of Laws in British India

*Source.*—“ Legislative Methods and Forms,” by Sir Courtenay Ilbert.  
(Clarendon Press, Oxford.)

The scheme of giving to British India a complete and definite system of laws probably originated in a correspondence which took place about 1829 between Sir Charles Metcalfe and two judges of Bengal. It was adopted by Parliament as the renewal of the Indian Charter Act in 1833. The Charter Act of 1833 provided for the appointment by the Governor-General in Council of a law commission to inquire into the jurisdiction, powers and rules of the existing courts of justice and police establishments and into the nature and operation of laws prevailing in any part of British India, and to make reports thereon and to suggest alterations, due regard being had to the distinctions of castes, difference of religion and the manners and opinions prevailing among different races and in different parts of the said territories.

In pursuance of the powers thus conferred, the first Indian Law Commission was appointed in the year 1834. It consisted originally of Macaulay and of three civil servants of the Company —one from each Presidency. After about two years this Commission published Macaulay's draft of the Indian Penal Code, which was subsequently revised by Mr. Drinkwater Bethune, Sir Barnes Peacock, and others, and did not become law till 1860, long after the first Indian Law Commission had ceased to exist. The Commission seems to have lost much of its vitality after Macaulay's departure from India. It lingered on for many years and published periodically bulky volumes of reports, but did not succeed in effecting or inducing the Government to effect any measure of codification, and was finally allowed to expire. The last of the Indian Charter Acts, that of 1853, refers to the labours of the Commissioners by reciting that "they have in a series of reports recommended extensive alterations in the judicial establishments, judicial procedure, and laws established and in force in India and have set forth in detail the provisions which they have proposed to be established by law for giving effect to certain of their recommendations, and such reports have been transmitted from time to time to the Court of Directors, but on the greater part of such reports and recommendations no final decision has been made."

Accordingly, the Act of 1853 provided for the appointment of a new commission, which was instructed to make a diligent and full inquiry into and to examine and consider the recommendations of the previous Commissioners, and the enactments proposed by them for the reform of the judicial establishments, judicial procedure, and laws of India, and such other matters in relation to the reform of the said judicial establishments, judicial procedure, and laws as might be, by or with the sanction of the Commissioners for the affairs of India, referred to them for their consideration.

This second Commission was appointed on November 9, 1853. It consisted of eight members, including Sir John (afterwards Lord) Romilly, Sir John Jervis, Sir Edward Ryan, and Mr. Robert Lowe. At the time of their appointment the intention of amalgamating the Queen's and Company's Courts in the presidency towns of India (known as Supreme and Sudder Courts) had already been announced to Parliament, and the Commissioners were instructed to address themselves in the first instance to the consideration of the preliminary measures necessary for this purpose, in particular to the preparation of a simple and uniform code of procedure.<sup>1</sup>

<sup>1</sup> Letter from Board of Commissioners for Affairs of India to India Law Commissions, dated November 30, 1853.

The Commissioners sat in London till the middle of 1856 and presented four reports in which they submitted plans for the amalgamation of the Supreme and Sudder Courts and a uniform code of civil and criminal procedure, applicable both to the High Courts formed by that amalgamation and to the inferior courts of British India. They also adverted to the wants of India in respect of substantive civil law, and they submitted their views as to the best mode of supplying those wants.

The recommendations of these Commissioners resulted in important legislation both in Parliament and in the Legislative Council of India. Macaulay's Penal Code was taken up and revised, and was passed into law in 1860. A Code of Civil Procedure was passed in 1859 and a Code of Criminal Procedure in 1861. By the Act of Parliament of 1861 "for establishing High Courts of Judicature in India" (24 & 25 Vict. c. 104) the old Supreme and Sudder Courts at Calcutta were amalgamated into the present Chartered High Courts, and provision was made for establishing another High Court in the North-West Provinces. Thus by 1861 India had acquired a Penal Code and Codes of Civil and Criminal Procedure. The Procedure Codes were doubtless rough and capable of much improvement, but they constituted an enormous advance on the chaotic and incomplete regulations by which they had been preceded.

Another unfortunate feature of the judicial system at the time of Warren Hastings was the competition and the rivalry between the Supreme Court and the Company's Courts. The interference of the Supreme Court destroyed the authority of the Company's Courts, and rendered the collection of revenue almost impossible. And by refusing to recognise the Nabob, in whose hands the criminal administration was vested, and by entertaining suits against judges for trespass or false imprisonment, the Supreme Court brought criminal justice to a standstill. The Act of 1781, however, protected the Executive from interference in its official duties; it recognised the Company's Courts; it laid down the fundamental principle that the Indian inhabitants "were entitled to the personal application of their own law," but at best the position remained unsatisfactory. The Supreme Court exercised jurisdiction in criminal matters over all inhabitants living within the area of the presidency town and over all Europeans wherever they might live. Thus, a European in the

Mufassal, if he brought a suit against an Indian, would do so in the Supreme Court at Calcutta ; and, if an Indian residing in the Mufassal brought a suit against a European, the latter could claim the right of having the matter decided in the Supreme Court. The unfairness of this procedure became all the greater after the removal of restrictions against the immigration of Europeans in 1833. The anomalies of the position were explained by James Mill in his evidence before the Select Committee, which is given below.

#### The Anomalies of the Supreme Court

*Source.*—Evidence of James Mill before the Select Committee of 1832.  
(Parliamentary Papers.)

The anomaly of the case in India at present consists in the extraordinary circumstances of there being a class of people in the country, a class in reality of foreigners, not very considerable in point of numbers, but remarkable in certain circumstances, and from the power attendant on those circumstances, who are not subject to the legislative power of the Government under which they live ; who claim exemption from its enactments, and for whom the Government has no power of making laws. I allude to the Englishmen who are in India. Our habit of looking with indifference upon things which we have long seen the same, prevents us from observing the extraordinary nature of this case ; by putting something of a parallel case it may be more easily understood. If we were to suppose that there were a class of foreigners in this country, in England, to bind whom by laws the King or Parliament had no power ; foreigners spreading themselves in all directions among the people of the country, but exempt from the jurisdiction of our tribunals, and claiming to own no obedience but to a single court belonging to their own Sovereign, whom they speak of and represent as far superior to ours ; further, if we were to suppose that this single court of theirs was seated in the metropolis, so that Englishmen could have no redress for any injury sustained at the hands of these foreigners, except by coming up to the metropolis to sue them in their own court ; that those foreigners, moreover, from their peculiar circumstances, carry with them such power that the subjects of the King of England are in perpetual dread of them, afraid of applying for redress against anything they do ; and if to the above supposition we were to add that this same court of their sovereign, not ours, placed in our metropolis, should exclusively have power of administering justice to the

whole of the inhabitants of our metropolis ; that the inhabitants of our metropolis should have no access to justice but through this single court ; while the Government itself, King and Parliament, should have no power of making any laws to bind the inhabitants of the metropolis, but according to the pleasure of those same foreign judges ; this would be a parallel to the case as it now stands in India, and seems to me to require no words to prove its incompatibility with good government. I can hardly anticipate contradiction to the opinion both of the Supreme Government and the judges of the Supreme Court, that there cannot be good government in India till one uniform system of law is made to include all the subjects of that Government, this portion as well as every other.

This unsatisfactory state of affairs was altered by the Charter Act of 1833. The reports of the peculiar privileges and opportunities enjoyed by Europeans in India not only in economic matters but in the eyes of the law had reached England. The report of the Committee of 1832 on the affairs of India with reference to the administration of justice, based on evidence such as that given above, suggested the necessary reform. It was in the fitness of things that England which had just passed through a peaceful revolution and had emerged pledged to a wider justice between class and class and the removal of all exclusive privileges should not tolerate a situation which brought discredit to England and demoralisation to India. The Reform Parliament which initiated so many measures of social reform affecting the lives of the masses in England and which also by means of the Charter Act removed the exclusive trading rights of the East India Company, also made provision for a better administration of justice and ensured equality in eyes of law between British and Indian subjects of His Majesty. But, as has often happened in the history of British India, declaratory provisions of Acts of Parliament have come to nothing until they have been endorsed and explained by the Court of Directors. For this reason the following extracts from the communication of the Court of Directors to the Governor-General in Council in India which accompanied the Charter Act of 1833 are of great importance.

The Relations between Europeans and Indians in  
the Courts

*Source.*—Despatch accompanying the Government of India Act, 1833. Dated 10 November, 1834. From the Board of Directors East India Company to the Government of India. (Parliamentary Papers.)

41. The importance and indeed the absolute necessity of extending to natives such protection we need not demonstrate. Though English capitalists settling in the country, if they are governed by an enlightened sense of their own interests, will see the importance of acquiring the confidence of their native neighbours by a just and conciliatory course of conduct, yet even some of this class may yield to the influence of worse motives. Eagerness for some temporary advantages, the consciousness of power, the pride of a fancied superiority of race, the absence of any adequate check from public opinion, the absence also in many cases of the habitual check supplied by the stated and public recurrence of religious observances—these and other causes may occasionally lead even the settled resident to be less guarded in his treatment of the people than would accord with a just view of his situation. Much more may acts of outrage or insolence be expected from casual adventurers cut off possibly from Europe by the consequences of previous misconduct, at all events released from the restraints which in this country the overawing influence of society imposes on all men not totally abandoned, the greater necessity is there that such persons should be placed under other checks.

42. If the administration of justice in the Mufassal were completely adequate to ensure to the injured native the means of due and prompt redress you would be put to little difficulty. It would only be necessary to render British subjects fully amenable to the jurisdiction of the native tribunals, and all would be well. But some time must elapse before your judicial system in the interior will be thus effectual; and while, on the one hand, it will be necessary that you expedite by all possible means the desired improvement of that system, it will, on the other, be incumbent on you to provide for its deficiencies in the *interim* both by framing laws adapted to the particular object in view and by directing the vigilant attention of Government to cases of abuse with which the ordinary administration of justice may be unable to cope. Our instructions on this head are necessarily general, suggesting principles rather than prescribing rules; to your discretion we must commit the task of carrying them into detailed execution.

43. Whatever provision may be made against occasional abuse, the views of Parliament in opening the interior of India

to Europeans are to be carefully kept in recollection. The clauses which affect this great alteration in our Indian policy are not *restraining* but enabling enactments.

The Legislature has avowedly proceeded on the principle that generally speaking and on the whole the increased entrance of Europeans into the interior of India, their increased power of blending their interests with those of the country and their increased opportunities of freely associating with the natives will prove beneficial to the native people and promotive of their general improvement and prosperity. That which by legislature is thus assumed is also to be assumed by us and by you. Your laws and regulations therefore, and also all your executive proceedings in relation to the admission and settlement of Europeans, like that law of the Imperial Legislature out of which they grow, must, generally speaking and on the whole, be framed on a principle not of restriction but of encouragement.

\* \* \* \* \*

The regulations which you shall make with the just and humane design of protecting the natives from ill-treatment must not be such as to harass the European with any unnecessary restraints or to give him uneasiness by the display of improper distrust and suspicion. Laws framed in such a spirit tend to produce the very mischief which they aim at preventing. To the evil-minded they suggest evil, they furnish the discontented with materials or pretexts for clamour, and they irritate the peaceably disposed into hostility.

59. From these premises there are some practical inferences to which we must call your attention. First, we are decidedly of opinion that all British-born subjects throughout India should forthwith be subjected to the same tribunals with the natives. It is, of course, implied in this proposition that in the interior they shall be subjected to the Mufassal courts. So long as Europeans penetrating into the interior held their places purely by the tenure of sufferance and bore in some sense the character of delegates from a foreign power, there might be some reason for exempting them from the authority of those judicatures to which the great body of the inhabitants were subservient. But now that they are to become inhabitants of India they must share in the judicial liabilities as well as in the civil rights pertaining to that capacity, and we conceive that their participation in both should commence at the same date.

60. It is not merely on principle that we arrive at this conclusion. The 85th clause of the Act to which we have before referred, after reciting that the removal of restriction on the

intercourse of Europeans with the country will render it necessary to provide against any mischiefs or danger that may thence arise, proceeds to direct that you shall make laws for the protection of the natives from insult and outrage—an obligation which in our view you cannot possibly fulfil, unless you render both native and European responsible to the same judicial control. There can be no equality of protection where justice is not equally and on equal terms accessible to all.

61. . . . But variances like this do not affect the main principle. The maxim still remains that justice is to be distributed to men of every race, creed, and colour, according to its essence, and with as little diversity of circumstance as possible.

In pursuance of the spirit of the provisions of the Charter Act so ably and clearly explained in the despatch quoted above, the controversy regarding the privileged position of European British subjects was ended in 1836. By Act XI of 1836 the special right of appeal to the Supreme Court was taken away and it was enacted that no person whatever should by reason of place of birth or by reason of descent, be, in any *civil* proceeding whatever, excepted from the jurisdiction of the courts of Sadr Diwani Adalat, of the zillah and city judges, of the principal Sadr Amin, and the Sadr Amins in the territories subject to the Presidency of Fort William in Bengal.

This Act, which met with the approval of all Provincial Governments and of the majority of the Company's servants, excited the most tenacious opposition from the European residents of Calcutta. The narrow prejudices and the selfish attitude of a certain section of the English population in India are illustrated with his usual skill and lucidity by Macaulay in his minute given below.

#### Agitation in Calcutta

*Source.*—Minute written by T. B. (afterwards Lord) Macaulay. Reproduced in "The Public Life of Lord Macaulay," the Rev. Frederick Arnold. (Tinsley Brothers.)

I conceive, therefore, that the Act is good in itself and that the time for passing it has been well chosen. The strongest reason, however, as I formerly said, for passing it was the nature of the opposition which it experienced. Approved by the Governments of Madras, Bombay, and Agra, approved by

the body of the Civil Service, but disapproved by those English settlers to whom alone its provisions applied, it has been violently assailed by a portion of the English inhabitants of Calcutta. In this petition they have not taken quite so reprehensible a tone as in their memorials addressed to the Indian Government; but the same spirit of caste, the same love of oligarchical domination, disguising itself under the phraseology which in England we are accustomed to hear only from the most zealous supporters of popular rights, may be seen in both. While the excitement, which has now completely subsided, was in its full force, the organs of the opposition repeated every day that the English were the conquerors, the lords of the country, the dominant race, the electors of the House of Commons, whose legitimate power extends both over the Company at home and over the Governor-General in Council here. The constituents of the British Legislature, they told us, were not to be bound by laws made by any inferior authority. The firmness with which the Government withstood the idle outcry of two or three hundred people about a matter with which they had nothing to do, was designated as insolent defiance of public opinion. We were the enemies of freedom because we would not suffer a small white aristocracy to domineer our millions.

\* \* \* \* \*

The petitioners say that the East India Company has always been opposed to the free trade and settlement of the English in India, and they therefore conceive it to be a great hardship that they should be placed under the Company's Courts.

But is it just or reasonable to advert to a state of things which has wholly passed away, for the purpose of raising a cry against the Indian Government? The Company is no longer the competitor of the private merchant; it has ceased to be a commercial body; it is now merely a ruling body, and as such it has no interest to exclude from its dominions any class of people who are likely to make those dominions more flourishing by carrying thither the arts and industry of Europe.

As to the apprehension which the petitioners express, that the effect of this enactment may be to deter Europeans from settling in India, I cannot do better than to quote the language of a most valuable servant of the Company, the late lamented Mr. Mill. That gentleman was asked by the Committee of the House of Commons whether he did not conceive that the total abolition of the King's Courts would prevent Europeans from settling in the interior? His answer was, "By no means. I think the same motives which carry them into the interior now, as far as their objects are honest and justifiable, would carry

them still. And if they go there for the gain of misconduct and oppression, it is very much to be desired that they should not go there at all."

It is impossible that any rational person can be so prejudiced against the Company and its servants as really to believe that, having given up all connection with trade, they are still jealous of all other traders.

But there is a jealousy widely different from the old commercial jealousy of which the Company is invidiously and unfoundedly accused by the petitioners—a jealousy which it is their duty, and that of all who are in authority under them, to entertain. That jealousy is not the jealousy of a merchant afraid to be undersold, but the jealousy of a ruler afraid that the subjects, for whose well-being he is answerable, should be pillaged and oppressed. India has been subjugated by English arms and is governed by English functionaries. To be an Englishman is, therefore, a rank in India. Nor is this all. Those qualities which enabled us to conquer, and which now enable us to govern the country, that valour, that resolution, that intelligence, that closeness of union, that marked superiority, both in mental and physical energy which reared our Empire, and which have upheld it, make every individual Englishman a formidable object to the native population. Under these circumstances, there is reason to fear that a tyranny of the worst sort—the tyranny of race over race—may be the effect of the free admission of British settlers into our provinces. This apprehension the British Parliament evidently entertained when it passed the Charter Act ; and if any person is inclined to think it an unfounded apprehension, I would refer him to the writings and speeches to which this very Act has given occasion. In these speeches and writings it will not be difficult for him to detect, under the disguise of expressions which in England are generally outplayed by demagogues, the spirit of an oligarchy as proud and exclusive as that of Venice itself.

In all ages and countries, a great town which is the seat of Government is likely to exercise an influence on public measures disproportioned to its real importance. This is the evil if the interests, the opinions, and the feelings of the population of such a town coincide with those of the population of the Empire ; but in India, unfortunately, while the influence of the society of the capital on the Government is greater than in almost any other country, the interests, feelings, and opinions of that society are often diametrically opposed to those of the mass of the people. Calcutta is an English colony in the midst of an Oriental population. Here we are surrounded by men of the same race and colour with ourselves—by men who speak and write our language—by men who constantly correspond

with the country to which we all hope to return. That the favourable and unfavourable opinions of such men should affect us more than the opinion of crowds of foreigners ; that the execrations of whole provinces in the Mufassal should wound our feelings less than a scurrilous article in a Calcutta newspaper ; that the benedictions of whole provinces should gratify us less than a complimentary address from fifty or sixty of our own countrymen, is, I fear, but too natural. To overcome these feelings—to take greater interest in the many who are separated from us by strong lines of distinction, than in a few to whom we are bound by close ties ; to brave the clamorous censure of those who surround us, for the purpose of serving those whose praises we shall never hear, is no more than our duty ; but it is a duty in the performance of which we have, I think, a peculiar claim on the home authorities for support and encouragement. We have now, in defiance of misrepresentation, abuse, and calumny passed a law, which is considered by ourselves, by the late Governor-General, by the Governor in Council of Madras, by the Governor in Council of Bombay, by all, or almost all the civil servants of the Company, as a law beneficial to the great body of the people. The English settlers in the Mufassal, the English at the towns of Madras and Bombay are, to all appearance, contented with it ; the English population of Calcutta alone, led on by a class of men who live by the worst abuses of the worst Court in the world, have raised an outcry against us. If that outcry be successful, the prospects of this country will be dark indeed ; but I know the Honourable Court and the British Legislature too well to think that it can be successful ; and I confidently expect that we shall receive on this occasion such support as may encourage us, and those who shall succeed us, when legislating for the good of India, to disregard the clamour of Calcutta.

The employment of native Commissioners for the trial of civil suits formed an integral part of the judicial system established by Lord Cornwallis in 1793. This fact militates against the general belief in history that Lord Cornwallis completely closed the doors of public service against the people of India. It is true, however, that their services were used mainly as referees and arbitrators, and that in doing so Lord Cornwallis was only following a definite tradition established at the time of the Regulating Act. By the 11th Article of the Regulation of the 15th August, 1772, "all disputes of property, not exceeding ten rupees," were to

"be decided by the head farmer of the pargana to which the parties" belonged; "and his decree was to be final." Further, by a Regulation of 1781, six munsifs or public arbitrators at a salary of Rs.50 each were attached to each Mufassal Diwani Adalat. Regulation XL of 1793 largely extended their employment and jurisdiction.

The subsequent history of the native judicial service is one of great interest and importance, and is explained in the following extract:—

**The Employment of Indians in the Subordinate  
Judicial Service**

*Source.*—“Introduction to the Bengal Code.” C. D. Field.

The law relating to native judicial officers, in common with the other portions of the law of the judiciary system, underwent important changes in 1831. The jurisdiction of Munsifs was now extended to suits for the property or possession of land or other real property with the exception of land held exempt from the payment of revenue; and the monetary limit of all suits cognisable by them was raised to three hundred rupees. The special rules applicable to Chittagong Munsifs were repealed: and instead thereof it was generally provided for the guidance of all Munsifs that in cases of inheritance of, and succession to, landed property, the Muhammadan law with respect to Muhammadans, and the Hindu law with regard to Hindus should regulate the decision. Where the parties were of different religious persuasions the decision was to be regulated by the law of the defendant, but only in cases in which the defendant was a Hindu or a Muhammadan. In cases in which rules could not apply the Munsif was to act according to justice, equity, and good conscience. Suits cognisable by Munsifs were ordinarily to be instituted in their Courts, but judges might receive and refer such suits. Munsifs were now allowed to receive applications for the execution of their decrees, but were to forward them to the judge, who might direct them to execute them or have them executed by his own officers. Munsifs were no longer to be paid by fees but by salaries fixed by the Governor-General in Council.

223. The abolition of the Provincial Courts, the judges of which had appointed the Sádr Amíns and Munsifs on the nomination of the zillah and city judges, rendered other provisions necessary for the exercise of this patronage, and it was enacted that its exercise should henceforth be regulated in such manner as the Governor-General in Council might be pleased to direct.

The law officers of the zillah and city courts were no longer to be ex-officio Sádr Amíns, but were to be like other individuals eligible to the office. Judges were not in future to transfer Munsif appeals to Sádr Amíns for hearing. The office of Sádr Amín was thus somewhat reduced in importance; but this was compensated by the creation of a new office, that of Principal Sádr Amín, which (together with that of Munsif and Sádr Amín) was declared to be open to natives of India of any class or religious persuasion. Appointments to the office were to be made by the Governor-General, who was also to fix the monthly allowances of those appointed.

Principal Sádr Amíns were vested with original jurisdiction in suits for money or personal property or for the property or possession of land or other real property, the amount or value of which did not exceed five thousand rupees. Judges retaining such cases on their own files were to record their reasons for doing so. Principal Sádr Amíns were empowered to execute their own decrees, an appeal lying to the judge from their orders passed in execution proceedings. When a judge's file was so heavy that it was impracticable for him to dispose of all the pending appeals with reasonable despatch he was to report to the Sádr Díwáni Adálat, who might authorise him to refer a special number of appeals to his Principal Sádr Amín.

The petty criminal jurisdiction given to Sádr Amíns by Section 3 Regulation III of 1821 was conferred on Principal Sádr Amíns also; and magistrates were empowered to refer to both officers for investigation criminal cases beyond their jurisdiction to try. These officers were not, however, authorised to commit to the sessions. A judge was empowered upon urgent necessity to suspend a Principal Sádr Amín, Sádr Amín or Munsif. When the Commissioner and the judge differed as to the propriety of removing any of them they were both to send their opinions to the Sádr Díwáni Adálat. The Commissioner might recommend a removal, when the judge did not take the initiative. Principal Sádr Amíns and Sádr Amíns could not be removed from office without the sanction of the Governor-General. Munsifs could be removed by the Sádr Díwáni Adálat.

224. By Act XXV of 1837 judges were empowered to refer to Principal Sádr Amíns original suits of any amount or value; and they were further authorised with the sanction of Sádr Díwáni Adálat to refer any civil proceedings, miscellaneous or summary. Orders passed by Provincial Sádr Amíns in such proceedings were first appealable to the judge and then specially to the Sádr Díwáni Adálat. Decrees in original cases up to five thousand rupees were first appealable to the judge, and then specially to the Sádr Díwáni Adálat. Decrees in suits above this amount were appealable to the Sádr Díwáni Adálat. In 1845

Munsifs were relieved of performing the duties of Nazirs, and were authorised to appoint Nazirs on their establishments.

In 1847 the rule empowering judges to fine Munsifs and Sádr Amíns was repealed, as no longer adapted to these officers "in the more elevated judicial position" occupied by them. In 1852 the rules of procedure for the trial of original civil suits in the Courts of Judges and Principal Sádr Amíns were extended in their entirety to the Courts of the Sádr Amíns and Munsifs, who were also for the first time empowered to try suits in which vakils or officers of their Courts were parties. In 1868 the law relating to native judges in the Lower and North-Western Provinces was again amended and consolidated by Act XVI of that year. The principal changes made by this Act were that the office of Sádr Amín was abolished; the designation of "Subordinate Judge" was substituted for that of "Principal Sádr Amín"; and the jurisdiction of Munsif was extended to all original suits cognisable by the Civil Courts of which the subject matter does not exceed in amount or value one thousand rupees. Act XVI of 1868 was amended by Act of 1870, and both these Acts were repealed by the Bengal Civil Courts Act VI of 1871, which has finally amended and consolidated the law relating to the District and Subordinate Civil Courts in the territories respectively under the Governments of the Lieutenant-Governor of the Lower and North-Western Provinces of the Presidency of Fort William in Bengal."

This expansion in the powers and functions of Indians in the subordinate judicial service was due mainly to the judicial reforms of Lord William Bentinck. The liberal spirit in which the policy was conceived is to be noticed in Regulation V of 1831, Regulation IX of 1833<sup>1</sup> and Regulation VIII of 1836.<sup>2</sup>

<sup>1</sup> Office of Deputy Collector open to Indians was created.

<sup>2</sup> Office of Sádr Amín was created.

## CHAPTER IV

### THE PUBLIC SERVICES

IN order to carry out effectively an Indian policy such as was laid down by the great rulers of this period, a civil service efficient and honest on the one hand and closely associated with the people of the country on the other was imperative. In the days of the eighteenth century when the Company began to take over political responsibilities, a writer of the Company was almost forced to add to his miserable pittance by actions of very questionable honesty. A few succeeded in rising above their temptations and showed a strength of character and a capacity to rule such as no deliberate system of training could have created, but the majority fell by the wayside. The reforms of Lord Cornwallis, however, had begun to bear fruit. Since his time, the Company's servants had been well paid and therefore had no cause to be worried by financial difficulties. Moreover, in accordance with the terms of the East India Company Act of 1793, the principal posts in Government employ below that of a member of Council were reserved for the officers of the covenanted service, and therefore good work was usually rewarded by official advancement. And those were the days of personal rather than office rule, when the district officer was powerful and was rarely subjected to interference from headquarters. The responsibilities of a civil servant were very great, but they acted as an incentive to laborious days and a strict observance of duty. The chief object of a civil servant was the happiness of the people under his charge. Many, besides Canning, have paid their tribute to the honesty and efficiency of the Company's servants in those days, but their high reputation needs no external expression of opinion. It is emphasised

not only by the happiness of the people but by the sentiments expressed in their official memoranda. It has only been possible to reproduce in this volume a few of these documents; and it may be urged that our chief difficulty has been in the work of selection from much that is admirable and lofty both in tone and in matter.

The problems that faced the authorities during this period, therefore, were different from those of the preceding age. They were matters of detail, though doubtless important detail, and were connected, in the main, with three questions, the training of the Company's servants, the organisation of the service, and the methods of recruitment. The method of training has been explained by Mr. Warden,<sup>1</sup> in his evidence submitted before the Select Committee of 1832. "After receiving the best classical education which England affords, a person appointed to the Civil Service in India must keep four terms at the college of Haileybury, an institution established in 1806 for the purpose of affording to civil servants instruction in those branches of education which are likely to be most useful in their official career in India. He is required to produce a certificate to the Court of Directors, from the Principal of Haileybury, that he has, during the prescribed period, been a member of the college, and duly conformed to its rules and regulations. His age must not be under fifteen, nor exceed twenty-two years." On his arrival in India the young civil servant had first to prepare for an examination in Indian languages. For this purpose he received instruction, at Calcutta and Madras in a college, and in Bombay from native teachers.

This method of training the Company's servants both in England and India was severely criticised on several grounds. The exclusiveness of the Company's college at Haileybury and the narrowness of its training were discussed with some force by Mr. Sullivan of the Madras Civil Service.

<sup>1</sup> Mr. Warden was a member of Council in the Bombay Government.

### The Training of Civil Servants at Haileybury

*Source.—Evidence of Mr. John Sullivan, of the Madras Civil Service, before the Select Committee. Dated February 21, 1832.*

The collection of a number of young men of the same age, and destined for the same scene, in the same college, has always appeared to me to be a capital mistake in the existing plan of education. It deprives young men of the opportunity of forming a general acquaintance with the men who are hereafter to figure upon the public stage in this country. To rivet the affections of those who go early in life to India to persons and things in England should always, I imagine, be a main object of their education. To have belonged to one of the national universities is itself considered an honour ; and to have participated in the honours and rewards which emanate from these establishments is a privilege which is always highly valued. The academical honours of Haileybury are not, I imagine, much valued. The young men who go there from school are by the rules of the college cut off from all society except what is to be found within the walls of the college until they embark for India ; they are in consequence almost strangers in India, and upon their arrival in India they again associate almost exclusively with those who were their fellow-collegians at Haileybury.

A set of young men educated at the different national universities would meet in India for the first time under more favourable auspices ; there would be among them a greater variety of ideas, more incentives to emulation and, what is of higher consequence, more effectual checks upon extravagance and misconduct, because the discipline of the regular universities is, and from their composition always must be, more perfect than at Haileybury. The association of the younger undergraduates at Oxford and Cambridge with their seniors, and with the various classes which compose their societies, cannot but operate more beneficially upon the minds of juniors. At Haileybury all are young, younger most of them than the junior undergraduates at the universities. Mischief is the consequence of this congregation of youths, for it seems to be pretty generally admitted that at no public seminary in England is discipline so completely relaxed as at the East India College.

There seems to be almost a natural association in the minds of Englishmen between India and wealth. This notion is naturally fostered at Haileybury ; habits of extravagance are in consequence contracted there which cling to the young men throughout their Indian career, to their own detriment and that of the Government whose servants they are.

The Select Committee, however, urged that the civil servants had been better educated since the establishment of the college than before ; and the fact that the more important posts in India had been filled by those who had been most distinguished at Haileybury added some weight to the contention that the period of training at the college was of some distinct value. The college was not closed until January, 1858, in accordance with the provisions of an Act passed in 1855.

The system of training the Company's servants in India was condemned in the strongest terms. The Select Committee observed that the college at Fort William had been "a source of more debt than knowledge in the Civil Service" and were by no means favourable to its continuance. That the college was both extravagant and ineffective is obvious from the following remarks made by Lord William Bentinck and Sir Charles Metcalfe :—

#### The Training of Civil Servants in India

*Source.*—(i) Minute of Lord William Bentinck. Dated December 27, 1828.

I have now to beg the attention of Council to the paper which shows that the average expense of the education of each writer during the last three years was 662*1* rupees or £660 per annum ; to which must be added a further charge (since most properly discontinued) of 4000 rupees, or £400, to each writer for outfit, repayable by retrenchment of the excess of allowances above 500 rupees per mensem. This debt is without interest. It must also be recollected that this charge of £660 for education in India follows no inconsiderable expense under the same head in England.<sup>1</sup> The sum above stated, even for a single year, forms no small amount, as compared with the

<sup>1</sup> The cost of Haileybury College is given in the evidence of Mr. Peter Archer in 1832 before the Select Committee :

"The total expense attending the establishment at Haileybury, including the building account, from 1805-6 to 1830-1, in twenty-five years, amounts to £363,439 17*s.* 4*d.* Exclusive of the building, it has been £267,081 14*s.* 10*d.* The number of persons appointed writers has been 940, and the cost, including the building account, has been £368 12*s.* to each person appointed. Exclusive of the building account, the expense of the education of each writer has been £284 2*s.* 6*d.*

cost of instruction elsewhere ; but when, from mere idleness, the public finance is to bear this load for an indefinite period, although the time fixed by the rules of the college as sufficient for the acquisition of two languages is eight months, the abuse must be universally admitted to be intolerable. It will scarcely be credited that young men so paid, and so idle, have been permitted heretofore to remain in college a dead-weight upon the country four, five, six, and seven years before they chose to qualify themselves. This term has been since abridged ; but even now there are many who have been in the college for one and two years without passing in any language.

*Source.*—(ii) Minute of Sir C. T. Metcalfe. Dated December 28, 1828.

In expressing my opinion that the college (at Calcutta) ought to be abolished, as being mischievous with respect to the extravagance which it encourages, and the consequent state of debt and embarrassment which it causes throughout the civil service, and as being unnecessary, and therefore useless for that purpose of instruction which it is professedly designed to accomplish, and consequently entailing a waste of the public resources, it is incumbent on me to state what arrangements I would propose to substitute, with a view to the beneficial reception and disposal of young men of the civil service on their arrival in India.

The young men immediately after their arrival should be subject to an examination, and those who might be found qualified, by knowledge acquired in Europe, or on their voyage to India, to enter on the public service, should at once be appointed to some employment, with the full allowance attached to it, and sent off by dawk, or by some other conveyance, according to the season, to join their respective stations, and commence their career of public duty. Those not qualified should nevertheless be sent away from Calcutta to quiet situations in the interior, to be strictly under the orders of public officers of approved character, who would take pleasure in instructing and advising young men under their charge, and would assign to them such employment as would most speedily justify them for the public service, and render them, in the meanwhile, not entirely useless. During this period of tutelage they should receive allowances merely sufficient for their subsistence, and inferior to those attached to any public office ; when reported qualified for the public service by competent examiners, they should be appointed to offices, with the full allowances of servants in employment. The period of service as giving title to subsequent advancement in rank, station, or emolument, should invariably date from the period of qualification.

A more general criticism of the system was made by Lord William Bentinck, who spoke of the exclusiveness of the Company's servants and a tendency to regard with an excessive satisfaction the existing order of things.

### The Efficiency of the Civil Service

*Source.*—Minute of Lord William Bentinck. Dated November 10, 1831. (Parliamentary Papers.)

While I am of opinion that it would be difficult to form any agency more efficient than that of the Civil Service; and while I deem it necessary that its integrity as a body, and the secure prospect of honour and reward, should be preserved to it; it is impossible, at the same time, to avoid referring to some of the disadvantages belonging to this, in common with all "exclusive orders." In all will be found the same disposition to view with satisfaction things as they are; the same indulgence towards the errors of members of the same community, and the want of that exertion which rivalry and competition alone can excite. But besides these, there is in the mode of recruiting the Civil Service by very young men, a cause operating very much to diminish what might otherwise be the greater usefulness of a European agency. These young men come out at too early an age to have acquired any practical experience in any branch of business, science, or knowledge; and therefore, instead of bringing out, as new-comers, the latest improvements of the European civilised world, to be engrafted upon the existing stock, they themselves retrograde, and fall into the opinions and feelings of an age gone by. I venture to think that it would be good policy to make furlough a compulsory measure. But this alone would not be sufficient to correct this exclusiveness. To introduce a feeling and counsel independent altogether of the service, and to add to it the benefit of European experience, combined with matured judgment and acknowledged talents and learning, it would be most useful in my judgment to associate with the judges of the Sudder Courts one or more judges appointed by His Majesty, for the purpose of better superintending and of improving the administration of justice and of the police. It is essential that this infusion of a different agency should not be so extensive as to interfere with the integrity of the service, and with its just and fair prospects.

\* \* \* \* \*

The result of all my investigation into the system of our administration has been a conviction that its main defect

consists in the absence of all official subordination, in the equality existing between all ranks, and in the individuality, if I may so say, of every public functionary. The recommendation that I would most strongly urge on the Honourable Court is, that they would continue and persevere in the system long since recommended to them by the Madras Government, upon the authority of Sir Thomas Munro, of uniting the appointments of collector and magistrate, of destroying the independence of each other of every officer employed in the same district, of making the collector's a great office, consisting of deputy collectors and joint magistrates and assistants, subordinate to one head, and acting upon the same system. The public will then be saved from the evils of a continually recurring interregnum, from the succession of perfect strangers to all the concerns of the district, and from the undue advantages which all such occasions of the virtual suspension of authority give to a corrupt omlah. This arrangement gives also to the Government an opportunity of providing a counterbalance to the inefficiency of a chief, by aiding him with subordinates of superior qualifications, and by placing under the correction of a strong superior the idle and the weak. It is in a school of this kind that young men will best be trained. A profound knowledge of jurisprudence, or the high attainments which distinguish English lawyers and judges, are not to be looked for; nor, however desirable, are they indispensable; but what is necessary is that those both young and old, who have the decision of suits, whether for 10 or 1000 rupees, and who are vested with the power of fine, imprisonment, and corporal punishment, should have served their apprenticeship; should be conversant with the manners and business of the country; and that their opinions should be formed upon the practice and greater experience of their superiors in office.

For many years the system of nomination by the Directors had been considered unsound. The Select Committee of 1832 gave their opinion that "nomination by individual Directors was not the best mode of securing a high standard of ability and qualifications in the civil servants," and that a system of competition was "deserving of serious consideration." Macaulay had introduced into the Act of 1833 "clauses which rearranged the system of appointment to the Civil Service on the basis of competition," but the influence of the Directors who jealously guarded their patronage was too strong for him. In 1853, however, Sir Charles Wood decided to introduce a system of competition

which was eloquently supported by Macaulay. The latter had two objects in view. In the first place, the service was to be preserved from nepotism and corruption, and this could only be assured by a close service. In the second place, the service should be recruited by the best men available, and this could best be done by a competitive examination.

### The Competitive System for the Indian Civil Service

*Source.*—(i) Speech and Memorandum, Lord Macaulay. Reproduced in “Life and Letters of Lord Macaulay.” Sir G. O. Trevelyan. (Longmans Green & Co.)

There<sup>1</sup> is something plausible in the proposition that you should allow him (the Governor-General) to take able men wherever he finds them. My firm opinion is that the day on which the Civil Service of India ceases to be a close service will be a beginning of an age of jobbing—the most monstrous, the most extensive, and the most perilous system of abuse in the distribution of patronage we have ever witnessed. Every Governor-General would take out with him, or would soon be followed by, a crowd of nephews, first and second cousins, friends, sons of friends and political hangers on; while every steamer arriving from the Red Sea would carry to India some adventurer bearing with him testimonials from people of influence in England. The Governor-General would have it in his power to distribute Residencies, seats at the Council Board, seats at the Revenue Board, places of from £4000 to £6000 a year upon men without the least acquaintance with the character and habits of the natives, and with only such knowledge of the language as would enable them to call for another bottle of pale ale or desire their attendant to pull the punkah faster. In what way could you put a check on such proceedings? Would you, the House of Commons, control them? Have you been so successful in extirpating nepotism at your own door, and in excluding abuses from Whitehall and Somerset House, that you should fancy that you could establish purity in countries the situation of which you do not know, and the names of which you cannot pronounce? I believe most fully that, instead of purity resulting from that arrangement to India, India itself would soon be tainted; and then before long, when a son or brother of some active Member of this House went out to Calcutta, carrying with him a letter of recommendation from the Prime Minister to the Governor-General, that letter really would

<sup>1</sup> Speech by Lord Macaulay on the second reading of the India Bill introduced by Sir Charles Wood.

be a bill of exchange, drawn on the revenues of India for value received in Parliamentary support in this House.

We are not without experience on this point. We have only to look back to those shameful and lamentable years which followed the first establishment of our power in Bengal. If you turn to any poet, satirist, or essayist of those times, you may see in what manner that system of appointment operated. There was a tradition in Calcutta that, during Lord Clive's second administration, a man came out with a strong letter of recommendation from one of the ministers. Lord Clive said in his peculiar way, "Well, chap, how much do you want?" Not being accustomed to be spoken to so plainly, the man replied that he only hoped for some situation in which his services might be useful. "That is no answer, chap," said Lord Clive. "How much do you want? Will a hundred thousand pounds<sup>1</sup> do?" The person replied that he should be delighted if, by laborious service, he could obtain that competence. Lord Clive at once wrote out an order for that sum, and told the applicant to leave India by the ship he came in, and, once back in England, to remain there. I think that the story is very probable, and I also think that India ought to be grateful for the course which Lord Clive pursued; for, though he pillaged the people of Bengal to enrich this lucky adventurer, yet, if the man had received an appointment, they would have been pillaged and misgoverned as well. Against evils like these there is one security and, I believe, but one; and that is that the Civil Service should be kept close.

\* \* \* \* \*

If I understand<sup>2</sup> the opinions imputed to the noble lord (Lord Ellenborough), he thinks that the proficiency of a young man in those pursuits which constitute a liberal education is not only no indication that he is likely to make a figure in after life, but that it positively raises a presumption that he will be passed by those whom he overcame in those early contests. I understand that the noble lord holds that young men who gain distinction in such pursuits are likely to turn out dullards, utterly unfit for an active career; and I am not sure that the noble lord did not say that it would be wiser to make boxing and cricket a test of fitness than a liberal education. It seems to me that never was a fact proved by a larger mass of evidence, or a more unvaried experience than this: that men who dis-

<sup>1</sup> It was probably "rupees."

<sup>2</sup> Macaulay is here discussing Sir Charles Wood's proposal that admission to the Indian Civil Service should be regulated by a competitive examination.

tinguish themselves in their youth above their contemporaries almost always keep to the end of their lives the start which they have gained. Take down in any library the *Cambridge Calendar*. There you have the list of honours for a hundred years. Look at the list of wranglers and of junior optimes; and I will venture to say that, for one man who has in after life distinguished himself among the junior optimes, you will find twenty among the wranglers. Is not our history full of instances which prove this fact? Look at the Church, or the Bar. Look at Parliament, from the time that Parliamentary Government began in this country; from the days of Montagu and St. John to those of Canning and Peel. Look to India. The ablest man who ever governed India was Warren Hastings, and was he not in the first rank at Westminster? The ablest civil servant I ever knew in India was Sir Charles Metcalfe, and was he not of the first standing at Eton? The most eminent member of the aristocracy who ever governed India was Lord Wellesley. What was his Eton reputation? What was his Oxford reputation? I must also mention—I cannot refrain from mentioning—another noble and distinguished Governor-General. A few days ago, while the memory of the speech to which I have alluded was still fresh in my mind, I read in the *Musae Cambridgenses* a very eloquent and classical ode by a young poet of seventeen, which the University of Cambridge rewarded with a gold medal; and with pleasure, not altogether unmixed with pain, I read at the bottom of that composition the name of the Honourable Edward Law, of St. John's College. I saw with pleasure that the name of Lord Ellenborough may be added to the long list of men who, in early youth, have by success in academical studies given the augury of the part which they were to play in public life. It is no answer to say that you can point—as it is desirable that you should be able to point—to two or three men of great powers who, having idled when they were young, stung with remorse and generous shame have afterwards exerted themselves to retrieve lost time. Such exceptions should be noted, for they seem intended to encourage those who, after having thrown away their youth from levity or love of pleasure, may be inclined to throw their manhood after it from despair; but the general rule is, beyond all doubt, that the men who were first in the competition of the schools have been first in the competition of the world.

(Macaulay then proceeded to show that his opponents had very little real belief in their arguments.)

The noble lord is of opinion that by encouraging natives to study the arts and learning of Europe, we are preparing the

way for the destruction of our power in India. I am utterly at a loss to understand how, while contemning education when it is given to Europeans, he should regard it with dread when it is given to natives. This training, we are told, makes a European into a bookworm, a twaddler, a man unfit for the active duties of life; but give the same education to a Hindu, and it arms him with such an accession of intellectual strength, that an established government, with an army of 250,000 men, backed by the whole military and naval force of England, are to go down inevitably before its irresistible power.

(After the passing of the Act, Macaulay was appointed Chairman of a Committee<sup>1</sup> for the purpose of making the necessary arrangements for introducing the competitive system.)

*Source.*—(ii) Report of the Civil Service Committee. Reproduced in “Life and Letters of Lord Macaulay.” Sir G. O. Trevelyan. (Longmans, Green & Co.)

Nothing can be further from our wish than to hold out premiums for knowledge of wide surface and of small depth. We are of opinion that a candidate ought to be allowed no credit at all for taking up a subject in which he is a mere smatterer. Profound and accurate acquaintance with a single language ought to tell more than bad translations and themes in six languages. A single paper which shows that the writer thoroughly understands the principles of the differential calculus ought to tell more than twenty superficial and incorrect answers to questions about chemistry, botany, mineralogy, metaphysics, logic, and English history.

\* \* \* \* \*

The marks ought, we conceive, to be distributed among the subjects of examination in such a manner that no part of the kingdom, and no class of schools, shall exclusively furnish servants to the East India Company. It would be grossly unjust, for example, to the great academical institutions of England not to allow skill in Greek or Latin versification to have a considerable share in determining the issue of the competition. Skill in Greek and Latin versification has, indeed, no direct tendency to form a judge, a financier, or a diplomatist. But the youth who does best what all the ablest and most ambitious youths about him are trying to do well, will generally

<sup>1</sup> The other members were Lord Ashburton, Mr. Henry Melvill, Principal of Haileybury, Mr. Jowets, Sir John Shaw Lefevre.

prove to be a superior man ; nor can we doubt that an accomplishment by which Fox and Canning, Grenville and Wellesley, Mansfield and Tenterden first distinguished themselves above their fellows indicates powers of mind which, properly trained and directed, may do great service to the State. On the other hand, we must remember that in the north of this island the art of metrical composition in the ancient languages is very little cultivated, and that men so eminent as Dugald Stewart, Horner, Jeffrey, and Macintosh would probably have been quite unable to write a good copy of Latin alcaics, or to translate ten lines of Shakespeare into Greek iambics. We wish to see such a system of examination as shall not exclude from the service of the Company either a Macintosh or a Tenterden, either a Canning or a Horner.

We hope and believe, also, that it will very rarely be necessary to expel any probationer from the service on account of grossly profligate habits, or of any action unbecoming a man of honour. The probationers will be young men superior to their fellows in science and literature ; and it is not among young men superior to their fellows in science and literature that scandalous immorality is generally found to prevail. It is notoriously but once in twenty years that a student who has attained high academical distinction is expelled from Oxford or Cambridge. Indeed, early superiority in science and literature generally indicates the existence of some qualities which are securities against vice—industry, self-denial, a taste for pleasures not sensual, a laudable desire of honourable distinction, a still more laudable desire to obtain the approbation of friends and relations. We therefore believe that the intellectual test which is about to be established will be found in practice to be also the best moral test that can be desired.

It has been pointed out that the reforms in the Civil Service which were carried out by Lord Cornwallis and by subsequent rulers increased very considerably the purity and efficiency of the administration. On the other hand, the removal of Indians from positions of trust and responsibility had been rendered necessary for a while by the acceptance of such a policy. "Warren Hastings," writes Colonel Kaye, "turned the merchants into revenue-collectors, Lord Cornwallis turned them into judges. The natives of India were thus stripped, little by little, of all the offices they had held under the Moguls. And as the character of the English gentlemen as administrators con-

tinued to improve, the debasement of the natives of India became more complete."

In considering the foundations of an Indian policy the British rulers of this period saw clearly the necessity of associating as far as possible the people of the country in the work of the administration. Mountstuart Elphinstone was one of the first to recognise the obligation which lay upon the rulers "to raise the natives by education and public trust to a level with their present rulers." As Mr. Forrest has pointed out, he attached little value to schemes for improving the education of natives unless *pari passu* steps were taken for extending to them a greater share of the honours and emoluments of office. In regard to their employment Elphinstone wrote: "It seems desirable gradually to introduce them into offices of higher rank and emoluments, and afterwards of higher trust. I should see no objection to a native member of a board, and I should even wish to see one district committed experimentally to a native judge, and another to a native collector." But, though he held these opinions, he was in no way impetuous. He saw that very strict supervision was necessary lest corrupt practices might be introduced into the system, which might never be eradicated. Lord William Bentinck also took active steps in the same direction by admitting educated Indians to the higher appointments in the revenue and judicial departments. Sir Thomas Munro and Sir John Malcolm held similar views, which they expounded in the following letters:—

#### Employment of Indians in the Public Services

*Source.*—(i) Letters from Sir Thomas Munro to the Right Hon. G. Canning. Dated June 30, 1821.

You judge right in thinking that your resignation of the office of President of the Board of Control is an event in which I must take "some little interest," for no event could have happened in which I could have taken more. I lament it deeply, both on public and private grounds. I should, even if I had not seen your letter to your constituents, have concluded without hesitation that your motives were just, but I should not the less have regretted the loss to the nation.

I trust that we shall soon again see you filling some high office ; but I confess I would rather see you in your former one than any other, for my own situation becomes doubly valuable, when it is held under a man whose name communicates some show of reputation to all his subordinates.

I always dread changes at the head of the India Board, for I fear some downright Englishman may at last get there who will insist on making Anglo-Saxons of the Hindus. I believe there are men in England who think that this desirable change has been already effected in some degree, and that it would long since have been completed had it not been opposed by the Company's servants. I have no faith in the modern doctrine of the rapid improvement of the Hindus, or of any other people. The character of the Hindus is probably much the same as when Vasco da Gama first visited India, and it is not likely that it will be much better a century hence. The strength of our Government will, no doubt, in that period, by preventing wars so frequent in former times, increase the wealth and population of the country. We shall also, by the establishment of schools, extend among the Hindus the knowledge of their own literature, and of the language and literature of England. But all this will not improve their character ; we shall make them more pliant and servile, more industrious, and perhaps more skilful in the arts—and we shall have fewer banditti, but we shall not raise their moral character. Our present system of government, by excluding all natives from power, and trust, and emolument, is much more efficacious in depressing, than all our laws and school-books can do in elevating, their character. We are working against our own designs, and we can expect to make no progress while we work with a feeble instrument to improve and a powerful one to deteriorate. The improvement of the character of a people, and the keeping of them, at the same time, in the lowest state of dependence on foreign rulers to which they can be reduced by conquest, are matters quite incompatible with each other.

There can be no hope of any great zeal for improvement when the highest acquirements can lead to nothing beyond some petty office, and can confer neither wealth nor honour. While the prospects of the natives are so bounded, every project for bettering their characters must fail ; and no such projects can have the smallest chance of success unless some of those objects are placed within their reach, for the sake of which men are urged to exertion in other countries. This work of improvement, in whatever way it may be attempted, must be very slow, but it will be in proportion to the degree of confidence which we repose in them, and in the share which we give them in the administration of public affairs. All that we can give

them, without endangering our own ascendancy, should be given. Our real military power must be kept in our own hands ; but they might, with advantage hereafter, be made eligible to every civil office under that of a member of the Government. The change should be gradual, because they are not yet fit to discharge properly the duties of a high civil employment, according to our rules and ideas ; but the sphere of their employment should be extended in proportion as we find that they become capable of filling properly higher situations.

We shall never have much accurate knowledge of the resources of the country, or of the causes by which they are raised or depressed. We shall always assess it very unequally, and often too high, until we learn to treat the higher class of natives as gentlemen, and to make them assist us accordingly in doing what is done by the House of Commons in England, in estimating and apportioning the amount of taxation.

*Source.*—(ii) “Letters of Sir John Malcolm,” by J. W. Young. Reproduced in “Life and Correspondence of Sir John Malcolm,” J. W. Kaye. Vol. II., p. 392. (Smith, Elder & Co.)

I have not ten rupees to give any man, and all I could have must according to my leading principles be given to local claimants. I work, and this is the great secret of my success, with the materials I find on the spot, and allow myself no latitude except those of a selection from them.

I regret as deeply as you or any man can that there is no opening for natives. The system of depression becomes more alarming as our power extends, but the remedy is not in raising to rank or influence our servants, munshis, etc., however good. We must, or we cannot last, contrive to associate the natives with us in the task of rule and in the benefits and gratifications which accrue from it. I had hoped to see great advances made in progress to this object, by measures being adopted that would at least lay the foundation of a gradual but real reform in our administration. I do not quarrel with that prudence or wisdom that has taken a different view of this subject and allowed an opportunity to pass that may not soon return, for in a government so constituted as this, it is only by the local authorities taking advantage of circumstances and emergencies at the moment that good can ever be done. No general plan however wise and grounded will ever be able to work its way amidst the shoals of prejudice, ignorance, and jealousy that exist in what the Persians call the Sea of Power—England.

*Source.*—(iii) Minute of Sir Thomas Munro, dated December 31, 1824.

It is strange to observe how many men of very respectable talents have seriously recommended the abolition of native, and

the substitution of European agency to the greatest possible extent. I am persuaded that every advance made in such a plan would not only render the character of the people worse and worse, but our Government more and more inefficient. The preservation of our dominion in this country requires that all the higher offices, civil and military, should be filled with Europeans; but all offices that can be filled with natives without danger to our power might with advantage be left to them. We are arrogant enough to think that we can, with our limited numbers, do the work of a nation. Had we ten times more, we could only do it so much worse. We already occupy every office of importance. Were we to descend to those that are more humble, and are now filled by natives, we should lower our character and not perform the duties so well. The natives possess, in as high a degree at least as Europeans, all those qualifications which are requisite for the discharge of the inferior duties in which they are employed. They are in general better accountants, more patient and laborious, more intimately acquainted with the state of the country and the manners and customs of the inhabitants, and are altogether more efficient men of business.

\* \* \* \* \*

With what grace can we talk of our paternal Government if we exclude the natives from every important office, and say, as we did till very lately, that in a country containing 150,000,000 inhabitants, no man but a European shall be entrusted with so much authority as to order the punishment of a single stroke of a rattan. Such an interference is to pass sentence of degradation on a whole people, for which no benefit can ever compensate. There is no instance in the world of any sentence having ever been passed upon any nation. The weak and mistaken humanity which is the motive of it, can never be viewed by the natives as any just excuse for the disgrace inflicted on them by being pronounced to be unworthy of trust in deciding on the petty offences of their countrymen. We profess to seek their improvement, but propose means the most adverse to success. The advocates of improvement do not seem to have perceived the great springs on which it depends: they propose to place no confidence in the natives, to give them no authority, and to exclude them from office as much as possible; but they are ardent in their zeal for enlightening them by the general diffusion of knowledge.

No counsel more wild and absurd than this was ever engendered in the darkest ages; for what is, in every age and every country, the great stimulus to the pursuit of knowledge but the prospect of fame, or wealth, or power? or what is even

the use of great attainments if they are not to be devoted to their noblest purpose, the service of the community, by employing those who possess them, according to their respective qualifications, in the various duties of the public administration of the country? How can we expect that the Hindus will be eager in the pursuit of science unless they have the same inducement as in other countries? If superior acquirements do not open the road to distinction, it is idle to suppose that the Hindu would lose his time in seeking them; and even if he did so, his proficiency, under the doctrine of exclusion from office, would serve no other purpose than to show him more clearly the fallen state of himself and his countrymen. He would not study what he knew would be of no ultimate benefit to himself; he would learn only those things which were in demand, and which were likely to be useful to him, namely, writing and accounts. There might be some exceptions, but they would be few. Some few natives living at the principal settlements and passing much of their time among Europeans, might, either from a real love of literature, from vanity, or some other cause, study their books; and if they made some progress, it would be greatly exaggerated, and would be hailed as the dawn of the great day of light and science about to be spread all over India. But there has always been, and always will be, a few such men among the natives, without making any change in the body of the people. Our books alone will do little or nothing: dry, simple literature will never improve the character of a nation. To produce this effect it must open the road to wealth, and honour, and public employment. Without the prospect of such reward, no attainments in science will ever raise the character of the people.

\* \* \* \* \*

Liberal treatment has always been found the most effectual way of alleviating the character of many people, and we may be sure that it will produce a similar effect on that of the people of India. The change no doubt will be slow; but that is the very reason why no time should be lost in commencing the work. We should not be discouraged by difficulties; nor, because little progress may be made in our own time, abandon the enterprise as hopeless, and charge upon the obstinacy and bigotry of the natives the failure which has been occasioned solely by our own fickleness, in not pursuing steadily the only line of conduct on which any hope of success could be reasonably founded. We should make the same allowances for the Hindus as for other nations, and consider how slow the progress of improvement has been among the nations of Europe, and through

what a long course of barbarous ages they had to pass before they attained their present state. When we compare other countries with England, we usually speak of England as she is now—we scarcely ever think of going back beyond the Reformation; and we are apt to regard every foreign country as ignorant and uncivilised whose state of government does not in some degree approximate to our own, even though it should be higher than our own was at no very distant period.

We should look upon India not as a temporary possession, but as one which is to be maintained permanently, until the natives shall in some future age have abandoned most of their superstitions and prejudices and become sufficiently enlightened to frame a regular government for themselves, and to conduct and preserve it. Whenever such a time shall arrive it will probably be best for both countries that the British control over India should be gradually withdrawn. That the desirable change here contemplated may in some after age be effected in India there is no cause to despair. Such a change was at one time in Britain itself, at least, as hopeless as it is here. When we reflect how much the character of nations has always been influenced by that of Governments, and that some, once the most cultivated, have sunk into barbarism, while others, formerly the rudest, have attained the highest point of civilisation, we shall see no reason to doubt that if we pursue steadily the proper measures we shall in time so far improve the character of our Indian subjects as to enable them to govern and protect themselves.

The expression of such opinions as these by men who enjoyed a reputation for considerable sanity of judgment soon began to influence the authorities in England. A great advance was made in the Act of 1833 when, for the first time, the equality of all classes of the community, irrespective of birth, creed or colour, in the matter of employment in the Company's service was specifically recognised. By this means all legal disabilities were removed, but it did not necessarily follow that Indians should be admitted immediately to high office. Henceforward, fitness was "to be the criterion of eligibility." In the year subsequent to the passing of the Act, therefore, the Court of Directors urged upon the Government of India in a memorable despatch which is given below the necessity of affording facilities by which Indians would have the opportunity of qualifying themselves for the higher ranges of the public service.

### The Removal of Disqualifications

*Source.*—Despatch from the Court of Directors to the Government of India, 1834.

By clause 87 of the Act it is provided that no person, by reason of his birth, creed, or colour, shall be disqualified from holding any office in our service.

It is fitting that this important enactment should be understood in order that its full spirit and intention may be transferred through our whole system of administration.

You will observe that its object is not to ascertain qualification, but to remove disqualification. It does not break down or derange the system of our Government as conducted principally through the instrumentality of our regular servants, civil and military. To do this would be to abolish, or impair, the rules which the Legislature has established for securing the fitness of the functionaries in whose hands the main duties of Indian administration are to be reposed ; rules to which the present Act makes a material addition in the provisions relating to the college at Haileybury. But the meaning of the enactments we take to be that there shall be no governing caste in British India, that whatever tests of qualification may be adopted, distinctions of race or religion shall not be of the number ; that no subject of the King, whether of Indian, or British, or mixed descent, shall be excluded, either from the posts usually conferred on our uncovenanted servants in India or from the covenanted service itself, provided he be otherwise eligible, consistently with the rules, and agreeably to the conditions, observed and exacted in the one case and in the other.

In the application of this principle, that which will chiefly fall to your share will be the employment of natives, whether of the white or of the mixed breed, in official situations. So far as respects the former class, we mean natives of the white blood, it is hardly necessary to say that the purposes of the Legislature have, to a considerable degree, been anticipated. You will know, and indeed in some important respects have carried into effect, our desire that natives should be admitted to places of trust, as freely and as extensively as a regard for the due discharge of the functions attached to such places will permit. Even judicial duties of magnitude and importance are now confided to their hands, partly, no doubt, from considerations of economy, but partly also on the principles of a liberal and comprehensive policy, still, a line of demarcation, to some extent in favour of the natives, to some extent in exclusion of them, has been maintained. Certain offices are appropriated to them ; from certain others they are debarred ; not because

these latter belong to the covenanted service and the former do not belong to it; but professedly on the ground that the average amount of native qualifications can be presumed only to rise to a certain limit. It is this line of demarcation which the present enactment obliterates, or rather, for which it substitutes another, wholly irrespective of the distinction of races. Fitness is henceforth to be the criterion of eligibility.

To this altered rule it will be necessary that you should, both in your acts and your language, conform. Practically, perhaps, no very marked difference of results will be occasioned. The distinctions between situations allotted to the covenanted service, and other situations of an official or public nature, will remain generally as at present.

Into a more particular consideration of the effects that may result from the great principle which the Legislature has now for the first time recognised and established, we do not enter, because we would avoid disquisition of a speculative nature. But there is one practical lesson which, often as we have on former occasions inculcated it upon you, the present subject suggests to us once more to enforce. While, on the one hand, it may be anticipated that the range of public situations accessible to the native and mixed races will gradually be enlarged it is, on the other hand, to be recollected that, as settlers from Europe find their way into the country, this class of persons will probably furnish candidates for those very situations to which the natives will have admittance. Men of European enterprise and education will appear in the field, and it is by the prospect of this event that we are led particularly to impress the lesson already alluded to on your attention. In every view it is important that the indigenous people of India, or those among them who by their habits, character, or position may be induced to aspire to office, should as far as possible be qualified to meet their European competitors. Hence there arises a powerful argument for the promotion of every design tending to the improvement of the natives, whether by conferring on them the advantages of education, or by diffusing among them the treasures of science, knowledge, and moral culture. For these desirable results, we are well aware that you, like ourselves, are anxious, and we doubt not that, in order to impel you to increased exertion for the promotion of them, you will need no stimulant beyond a simple reference to the considerations we have here suggested.

While, however, we entertain these wishes and opinions, we must guard against the supposition that it is chiefly by holding out means and opportunities of official distinction that we expect our Government to benefit the millions subjected to their authority. We have repeatedly expressed to you a

very different sentiment. Facilities of official advancement can little affect the bulk of the people under any government, and perhaps least under a good government. It is not by holding out incentives to official ambition, but by repressing crime, by securing and guarding property, by creating confidence, by ensuring to industry the fruit of its labour, by protecting men in the undisturbed enjoyment of their rights, and in the unfettered exercise of their faculties, that Government best ministers to the public wealth and happiness. In effect, the free access to office is chiefly valuable when it is a part of general freedom.

In the latter part of the despatch quoted above the Directors insisted on the necessity of providing facilities by which Indians would be enabled to fit themselves for employment in the public services, and be qualified to meet their European competitors on equal terms. As will be shown later, efforts were being made to improve the system of education within the country. In 1844, Lord Hardinge's Government was anxious to profit as largely as possible by the improved facilities for instruction which were then given to Indians. A resolution, therefore, was issued dealing with the methods which should be used in employing the services of Indians who had been trained in the English-speaking schools.

#### The Use of English in the Public Services

*Source.*—Lord Hardinge's Resolution. "Education in British India." A. Howell. (Calcutta General Press.)

The Governor-General having taken into his consideration the existing state of education in Bengal, and being of opinion that it is highly desirable to afford it every reasonable encouragement by holding out to those who have taken advantage of the opportunity of instruction afforded to them a fair prospect of employment in the public service, and thereby not only to reward individual merit, but to enable the State to profit as largely and as early as possible by the result of the measures adopted of late years for the instruction of the people, as well by the Government as by private individuals and societies, has resolved that in every possible case a preference shall be given in the selection of candidates for public employment to those who have been educated in the institutions thus established, and especially to those who have distinguished

themselves therein by a more than ordinary degree of merit and attainment.

2. The Governor-General is accordingly pleased to direct that it be an instruction to the Council of Education and to the several local committees and other authorities charged with the duty of superintending public instruction throughout the provinces subject to the Government of Bengal, to submit to that Government at an early date, and subsequently on the 1st of January in each year, returns of students who may be fitted according to their several degrees of merit and capacity for such of the various public offices as, with reference to their age, abilities, and other circumstances, they may be deemed qualified to fill.

3. The Governor-General is further pleased to direct that the Council of Education be requested to receive from the governors or managers of all scholastic establishments other than those supported out of the public funds similar returns of meritorious students, and to incorporate them, after due and sufficient enquiry, with those of Government institutions, and also that the managers of such establishments be publicly invited to furnish returns of that description periodically to the Council of Education.

4. The returns when received will be printed and circulated to the heads of all Government offices both in and out of Calcutta, with instructions to omit no opportunity of providing for and advancing the candidates thus presented to their notice, and, in filling up every situation of whatever grade, in their gift, to show them an invariable preference over others not possessed of superior qualifications. The appointment of all such candidates to situations under the Government will be immediately communicated by the appointing officer to the Council of Education, and will by them be brought to the notice of Government and the public in their annual reports. It will be the duty of controlling officers with whom rests the confirmation of appointments made by their subordinates to see that a sufficient explanation is afforded in every case in which the selection may not have fallen upon an educated candidate whose name is borne on the printed returns.

5. With a view still further to promote the diffusion of knowledge among the humbler classes of the people, the Governor-General is also pleased to direct that, even in the selection of persons to fill the lowest offices under Government, respect be had to the relative requirements of the candidates, and that in every instance a man who can read and write be preferred to one who cannot.

## CHAPTER V

### THE SUPPRESSION OF INHUMAN CUSTOMS

IN the preceding pages an attempt has been made to point out the nature and the objects of British rule in India during the years immediately succeeding the close of the Mahratta wars. The great rulers of those days had grasped certain principles which guided their policy. They understood that the people over whom they ruled were firmly attached to their old ways of government, and that their customs, even if they appeared faulty in the light of modern experience, should be respected. In building up a civil administration, therefore, they sought not so much to introduce new methods which were at variance with the ways of the people, but rather with infinite patience to reform the old and accepted system and, so far as was possible, to utilise native agency in the public work of the country. In the matter of land revenue little effort was made to establish uniformity of system, but the methods obtaining in each part of the country were adopted and gradually reformed to meet modern requirements. In the administration of justice the rulers were reluctant to supersede the Hindu or Muhammadan law and respected, as far as possible, the law and customs of the country. In their system of education, which was based on Western learning and experience, they put as a goal before them the formation of a vernacular literature. Above all, they showed the most complete toleration in matters of religion and, though themselves devout and God-fearing Christian men, made no effort to convert the Hindus to their own belief. Their primary object was to benefit those over whom they ruled. They had infinite faith and patience. They trusted that in the gradual progress of civilization and in the development of

true learning the people of India, guided by reformers of their own such as Ram Mohan Roy and others, would of their own free will emancipate themselves from the chains and shackles which impeded their thoughts and actions, and "assume their places among the great families of mankind."

There were certain matters, however, in which they could not allow this benevolent policy of non-intervention to become a fixed rule. In moments of crisis, as has been shown already in the case of Elphinstone, these rulers felt themselves bound to act with force and determination. They were firmly convinced that, in the interests of Indians themselves, the safety of the British Empire should be maintained, and therefore no rash experiments should be made; but when the calls of humanity demanded action they showed courage and decision.

The most difficult of these problems was that connected with the Hindu rite of *Sati*. The word "Sati" by derivation means "one that is true," and came to be associated with a faithful wife, a true woman who identified her life with that of her husband. The ideal of marital purity is familiar in the mythology and folklore in Hindu homes, and the stories of Sita and Savitri still exercise considerable influence in moulding the attitude of Hindu wives towards their husbands. And there were instances of deliberate self-destruction in accordance with *satitva* in the Puranic narratives. The origin of the custom in modern times is shrouded in the general mystery which obscures social history in India. The practice of *Sati* was at no time very widespread in India outside the ruling caste of Rajputs. Among the Rajputs and quasi-Rajput tribes it survived mainly perhaps because of perpetual internecine warfare and latterly because of the violence of the conquering Mussulman. About the beginning of the nineteenth century cases of *Sati* were found among castes other than those who claimed descent from the Khatryias; and the practice became general in the northern provinces of India, including Bengal. It was soon discovered that the motives which actuated the victim in the work of self-destruction were not always those of pious zeal or marital fidelity. Social

and, in many cases, physical compulsion were employed. Material greed and religious fanaticism joined hands to victimise innocent women and send them to their cruel doom. Thus a practice which even at its best had little to recommend itself, little that would elevate and refine human nature and increase human happiness, became inhuman and barbarous, and was properly abhorred by all right-thinking men as a human sacrifice.

The following most revolting and brutal instance of *Sati* was given in a debate at the India House on the 28th March, 1827, on Mr. Poynder's resolution regarding the burning of Hindu widows :—

### Sati

*Source.*—“Good Old Days of John Company.” Vol. II., p. 129.  
(Wm. Carey.)

One Seethoo, a Brahmin, died when absent from his family. A fortnight afterwards his widow, Hoomuleea, a girl of about fourteen years of age, proceeded to burn herself, the pile being prepared by her nearest relations, then at the village she resided in. Her father, Puttna Tewary, was in another part of the country and does not appear to have been made acquainted with what was passing. Whether the sacrifice was originally a voluntary one has not been ascertained ; it must be presumed it was so.

The preparatory rites completed, Hoomuleea ascended the pile, which was fired by her uncle, the prisoner Sheolal. The agony was soon beyond endurance and she leaped from the flame ; but seized by Sheolal, Biehhok, and others, she was taken up by the hands and feet and again thrown upon it ; much burnt and her clothes quite consumed, she again sprang from the pile, and running to a well hard by, laid herself down in the water-course weeping. Sheolal now took a sheet offered for the occasion by Roosa and, spreading it on the ground, desired her to seat herself upon it. “No,” she said, “she would not do this, he would again carry her to the fire and she would not submit to this ; she would quit the family and live by beggary, anything if they would but have mercy upon her.” Sheolal upon this swore by the Ganges that if she would seat herself on the cloth he would carry her to her home. She did so ; they bound her up in it, sent for a bamboo, which was passed through the loops formed by tying it together, and carrying it thus to the pile, now fiercely burning, threw it bodily into the flames. The

cloth was immediately consumed, and the wretched victim once more made an effort to save herself, when at the instigation of the rest, the Mussalman Booraichee approached near enough to reach her with his sword and cutting her through the head she fell back and was released from further trial by death.

The Muhammadan rulers had tolerated the practice of *Sati*, though on one occasion at least Akbar intervened in person and prevented the sacrifice. And for a great many years the British, though disgusted by the cruelty of the custom, considered it unwise to take any steps beyond insisting that the action should be voluntary on the part of the widow concerned. Lord Hastings did not have the fortune to rule at a time when the Government could afford to take serious risks, but he wrote a letter to Lord Bentinck, warmly supporting his intention to suppress the evil. Lord Amherst also gave the matter his closest attention, but with much reluctance came to the conclusion that prohibition would be unwise, if not impossible. <sup>1</sup>“ I am not prepared,” wrote he in 1827, “ to recommend an enactment prohibiting *Sati* altogether. . . . I must frankly confess, though at the risk of being considered insensible to the enormity of the evil, that I am inclined to recommend our trusting to the progress now making in the diffusion of knowledge among the natives for the gradual suppression of this detestable superstition. I cannot believe it possible that the burning or burying alive of widows will long survive the advancement which every year brings with it in useful and rational learning.”

It is to the glory of Lord William Bentinck that he faced the difficulty with the greatest moral courage. In this, as indeed in all other reforms associated with his name, he received assistance and support from his colleague, Sir Charles (afterwards Lord) Metcalfe. He realised that nothing short of total prohibition would be of any avail, and refused to countenance indirect methods of suppression. He also had little hope from the gradual progress of learning in India. Having made up his mind on this point he pro-

<sup>1</sup> Minute of Lord Amherst. “ Published Papers.”

ceeded to act with the greatest caution and consulted those most capable of expressing an opinion. He found that a large proportion of the cases of *Sati* took place in the Calcutta districts, from whose inhabitants little danger was anticipated beyond passive discontent. He also took steps to convince himself that total prohibition would not invoke the active hostility of the Sepoys. He then penned his famous minute for the consideration of his Council, which for nobility of language and soundness of judgment should rank as one of the noblest State papers in existence. His bold action was followed by complete success. As Sir J. W. Kaye remarks, "the promulgation of the Act gave the death-blow to *Sati* throughout the Company's dominions." And, what is even more satisfactory, the Native States in the course of time, assisted by the wise counsel of such men as Major Ludlow, Resident at Jaipur, followed of their own accord the example of Bentinck. The key to his success was his very simplicity of purpose, which none who knew him could dispute. The Hindus felt that they were dealing with a man whose primary object was their improvement, and therefore accepted his actions in the spirit they deserved.

In his very difficult task Lord William Bentinck received the valuable support of Ram Mohan Roy and other social reformers. The story runs that Mohan Roy tried to persuade his brother's widow from becoming a *Sati*. The woman did not heed him at first but, when she felt the flames, she tried to escape from the pile. Her orthodox relations and the priests, however, forced her down with bamboo poles and kept her there to die, while drums and brazen instruments were loudly sounded to drown her shrieks. Ram Mohan, unable to save her and filled with unspeakable indignation and pity, vowed within himself, then and there, that he would never rest until the atrocious custom was rooted out.<sup>1</sup> And he kept his vow. He spared no effort in inveighing against this evil practice both in the press and on the platform.

Actuated by this purpose Ram Mohan lost no chance of demonstrating the inhumanity and barbarism involved in

<sup>1</sup> Collet's "Life and Letters of Ram Mohan Roy," p. 15.

*Sati*. He it was who strengthened the hands of well-meaning but alien administrators in their efforts at social reform by breaking down the moral power of the orthodox. When the Hindus of Calcutta sent up a petition in 1818 praying for the repeal of the orders then in force against proceedings in cases of *Sati*, it was through his exertions that a counter-petition was sent up warmly endorsing the humanity and fairness of these orders. Some of the chief horrors of *Sati* were enumerated in his forcible language. "Your petitioners are fully aware from their own knowledge or from the authority of credible eye-witnesses that cases have frequently occurred when women have been induced by the persuasions of their next heirs, interested in their destruction, to burn themselves on the funeral pile of their husbands ; that others who have been induced by fear to retract a resolution rashly expressed in the first moments of grief of burning with their deceased husbands have been forced upon the pile and there bound down with ropes and pressed with green bamboos until consumed with the flames ; that some after flying from the flames have been carried back by their relations and burnt to death. All these instances, your petitioners humbly submit, are murders according to every *Shastra* as well as to the commonsense of all nations."<sup>1</sup> Not content with the campaign outside, Mohan Roy used to go down, at considerable physical risk, to the Calcutta burning grounds and try to avert *Sati* sacrifices by earnest persuasion. And, when consulted by Lord William Bentinck in 1829, he proved by authoritative quotations that *Sati* was not a religious duty. He did more than this, he showed that it was the avaricious desire of relatives to avoid the cost of supporting the widow rather than religious devotion which was responsible to a large extent for the perpetuation of *Sati*. Its suppression would therefore do no wrong to the faith which British honour had pledged itself to tolerate and respect.

<sup>1</sup> *Ibid.*, p. 31

## The Abolition of Sati

Source.—(i) Minute by Lord William Bentinck, 1829.

Whether the question be to continue or to discontinue the practice of *Sati*, the decision is equally surrounded by an awful responsibility. To consent to the consignment year after year of hundreds of innocent victims to a cruel and untimely end when the power exists for preventing it is a predicament which no conscience can contemplate without horror. But, on the other hand, if heretofore received opinions are to be considered of any value, to put to hazard by a contrary course the very safety of the British Empire in India, and to extinguish at once all hopes of those great improvements—affecting the condition not of hundreds and thousands but of millions—which can only be expected from the continuance of our supremacy, is an alternative which even in the light of humanity itself may be considered as a still greater evil. It is upon this first and highest consideration alone, the good of mankind, that the tolerance of this inhuman and impious rite can, in my opinion, be justified on the part of the Government of a civilised nation. While the solution of this question is appalling from the unparalleled magnitude of its possible results, the considerations belonging to it are such as to make even the stoutest mind distrust its decision. On the one side, religion, humanity, under the most appalling form, as well as vanity and ambition—in short, all the most powerful influences over the human heart—are arrayed to bias and mislead the judgment. On the other side, the sanction of countless ages, the example of all the Mussulman conquerors, the unanimous concurrence in the same policy of our own most able rulers, together with the universal veneration of the people, seem authoritatively to forbid, both to feeling and to reason, any interference in the exercise of their natural prerogative. In venturing to be the first to deviate from this practice it becomes us to show that nothing has been yielded to feeling, but that reason, and reason alone, has governed the decision.

So far indeed from presuming to condemn the conduct of my predecessors, I am ready to say that in the same circumstances I should have acted as they have done. So far from being chargeable with political rashness, as this departure from an established policy might infer, I hope to be able so completely to prove the safety of the measures as even to render unnecessary any calculation of the degree of risk which for the attainment of so great a benefit might wisely and justly be incurred. So far also from being the sole champion of a great and dangerous innovation, I shall be able to prove that the vast preponderance of present authority has long been in favour of abolition. Past

experience, indeed, ought to prevent me, above all men, from coming lightly to so positive a conclusion. When Governor of Madras<sup>1</sup> I saw in the mutiny of Vellore the dreadful consequences of a supposed violation of religious customs upon the minds of the native population and soldiery. I cannot forget that I was then the innocent victim of that unfortunate catastrophe; and I might reasonably dread, when the responsibility would justly attach to me in the event of failure, a recurrence of the same fate. Prudence and self-interest would counsel me to tread in the footsteps of my predecessors. But in a case of such momentous importance to humanity and civilisation that man must be reckless of all his present or future happiness who could listen to the dictates of so wicked and selfish a policy. With the firm undoubting conviction entertained upon this question, I should be guilty of little short of the crime of multiplied murder if I could hesitate in the performance of this solemn obligation. I have already been stung with this feeling. Every day's delay adds a victim to the dreadful list, which might perhaps have been prevented by a more early submission of the present question. But during the whole of the present year much public agitation has been excited, and when discontent is abroad, when exaggerations of all kinds are busily circulated, and when the native army have been under a degree of alarm lest their allowances<sup>2</sup> should suffer with that of the European officers, it would have been unwise to have given a handle to artful and designing enemies to disturb the public peace. The recent measures of Government for protecting the interests of the sepoys against the late reduction of companies will have removed all apprehension of the intentions of Government; and the consideration of this circumstance having been the sole cause of hesitation on my part, I will now proceed, praying the blessing of God upon our counsels, to state the grounds upon which my opinion has been formed.

We have now before us two reports of the Nizamat Adalat,<sup>3</sup> with statements of *Satis* in 1827 and 1828, exhibiting a decrease of fifty-four in the latter year as compared with 1827, and a still greater proportion as compared with former years. If this diminution could be ascribed to any change of opinion upon the question by the progress of civilisation or education the fact

<sup>1</sup> When Governor of Madras, Bentinck had issued orders forbidding the sepoys to wear their caste marks and earrings when in uniform. The result was a mutiny at Vellore. The Court of Directors took a serious view of the incident and recalled Bentinck.

<sup>2</sup> This refers to the Batta question, when their allowances were reduced by the orders of the Directors. The orders, somewhat naturally, caused much discontent in the ranks of the Indian Army.

<sup>3</sup> The Central Criminal Court.

would be most satisfactory, and to disturb this sure though slow process of self-correction would be most impolitic and unwise. But I think that it may be safely affirmed that though in Calcutta truth may be said to have made a considerable advance among the higher orders, yet in respect to the population at large no change whatever has taken place, and that from these causes at least no hope of abandonment of the rite can be rationally entertained.

\* \* \* \* \*

I think it will clearly appear from a perusal of the documents annexed to this Minute, and from the facts which I shall have to adduce, that the passive submission of the people to the influence and power beyond the law is so great that the suppression of the rite would be completely effected by a tacit sanction alone on the part of the Government. This mode of extinguishing it has been recommended by many of those whose advice has been asked; and no doubt this in several respects might be a preferable course, as being equally effectual while more silent, not exciting the alarm which might possibly come from a public enactment, and from which in case of failure it would be easy to retreat with less inconvenience and without any compromise of character. But this course is clearly not open to Government, bound by Parliament to rule by law and act by their good pleasure. Under the present position of the British Empire, moreover, it may be fairly doubted if any such underhand proceeding would be really good policy. When we had powerful neighbours and had greater reason to doubt our own security, expediency might recommend an indirect and more cautious proceeding, but now that we are supreme my opinion is decidedly in favour of an open, avowed, and general prohibition, resting altogether upon the moral goodness of the Act and our power to enforce it; and so decided is my feeling against any half-measure that were I not convinced of the safety of total abolition I certainly should have advised the cessation of all interference.

Of all those who have given their advice against the abolition of the rite, and have described the ill-effects likely to ensue from it, there is no one to whom I am disposed to pay greater deference than Mr. Horace Wilson.<sup>1</sup> He considers it a dangerous evasion of the real difficulties to attempt to prove that *satis* are not "essentially a part of the Hindu religion." I entirely agree with him. The question is not what the rite is but what it is supposed to be, and I have no doubt that the conscientious belief of every order of Hindus, with few exceptions, regard it as sacred.

<sup>1</sup> Secretary to the Hindu College.

Mr. Wilson thinks that the attempt to put down the practice will inspire extensive dissatisfaction. I agree also to this opinion. He thinks that success will only be partial, which I doubt. He does not imagine that the promulgated prohibition will lead to any immediate and overt act of insubordination, but that affrays and much agitation of the public mind must ensue. But he conceives that if once they suspect that it is the intention of the British Government to abandon this hitherto inviolate principle of allowing the most complete toleration in matters of religion that there will arise in the minds of all so deep a distrust of our ulterior designs that they will no longer be tractable to any arrangement intended for their improvement, and that the principle of a purer morality, as well as of a more virtuous and exalted rule of action, now actively inculcated by European education and knowledge, will receive a fatal check. I must acknowledge that a similar opinion as to the probable excitation of a deep distrust of our future intentions was mentioned to me by that enlightened native, Ram Mohan Roy, a warm advocate for the abolition of *sati* and of all other superstitions and corruptions engrafted on the Hindu religion, which he considers originally to have been a pure Deism. It was his opinion that the practice might be suppressed quietly and unobservedly by increasing the difficulties and by the indirect agency of the police. He apprehended that any public enactment would give rise to general apprehension, that the reasoning would be, "While the English were contending for power they deemed it politic to allow universal toleration and to respect our religion, but having obtained the supremacy their first act is a violation of their profession, and the next will probably be, like the Muhammadan conquerors, to force upon us their own religion."

Admitting, as I am always disposed to do, that much truth is contained in these remarks, but not at all assenting to the conclusions which, though not described, bear the most unfavourable import, I shall now inquire into the evil and the extent of the danger which may practically result from this measure.

It must be observed that of the 463 *satis* recurring in the whole of the Presidency of Fort William, 420 took place in Bengal, Behar, and Orissa, or what is termed the Lower Provinces, and of these latter 287 in the Calcutta Division alone.

It might be very difficult to make a stranger to India understand, much less believe, that in a population of so many millions of people as the Calcutta Division includes, and the same may be said of all the Lower Provinces, so great is the want of courage and of vigour of character, and such the habitual submission of centuries, that insurrection or hostile opposition to the will of the ruling power may be affirmed to be an impossible danger.

Were the scene of this sad destruction of human life laid in the Upper instead of the Lower Provinces, in the midst of a bold and manly people, I might speak with less confidence upon the question of safety. In these provinces the *satis* amount to forty-three only upon a population of nearly twenty millions. It cannot be expected that any general feeling, where combination of any kind is so unusual, could be excited in defence of a rite in which so few participate, a rite also notoriously made too often subservient to views of personal interest on the part of the other members of the family.

\* \* \* \* \*

It is, however, a very different and much more important question, how far the native army might take alarm, how far the rite may be in general observance by them, and whether, as in the case of Vellore, designing persons might not make use of the circumstances either for the purpose of immediate revolt or of sowing the seeds of permanent disaffection. Reflecting upon the vast disproportion of numbers between our native and European troops, it was obvious that there might be, in any general combination of the forces, the greatest danger to the State, and it became necessary, therefore, to use every precaution to ascertain the impression likely to be made upon the minds of the native soldiery.

I have the honour to lay before Council the copy of a circular addressed to forty-nine officers, pointed out to me as being, from their judgment and experience, the best enabled to appreciate the effect of the proposed measure upon the native army, together with their answers.

I have now to submit for the consideration of Council the draft of a regulation enacting the abolition of *satis*. It is accompanied by a paper containing the remarks and suggestions of the judges of the Nizámat Adálat. In this paper is repeated the unanimous opinions of the Court in favour of the proposed measure. The suggestions of the Nizámat Adálat are in some measure at variance with a principal object I had in view of preventing collision between the parties to the *sati* and the officers of police. It is only in the previous processes, or during the actual performance of the rite, when the feelings of all may be more or less roused to a high degree of excitement, that I apprehend the possibility of affray or of acts of violence through an indiscreet and injudicious exercise of authority. It seemed to me prudent, therefore, that the police, in the first instance, should warn and advise, but not forcibly prohibit, and if the *sati*, in defiance of this notice, be performed, that a report should be made to the magistrate, who should summon the parties

and proceed as in any other case of crime. The Indian Court appears to think these precautions unnecessary, and I hope that they may be so, but in the beginning we cannot, I think, proceed with too much circumspection. Upon the same principle, in order to guard against a too hasty or severe sentence emanating from extreme zeal on the part of the local judge, I have proposed that the case should only be cognisable by the Commissioners of Circuit.

I have now brought this paper to a close, and I think I have redeemed my pledge of not allowing, in the consideration of this question, passion or feeling to have any part. I trust it will appear that weight has been given to all difficulties and objections, that facts have been stated with truth and impartiality, that the conclusion to which I have come is borne out both by reason and authority.

The first and primary object of my heart is the benefit of the Hindus. I know nothing so important to the improvement of their future condition as the establishment of a purer morality, whatever their belief, and a more just conception of the will of God. The first step to this better understanding will be dissociation of religious belief and practice from blood and murder. They will, then, when no longer under this brutalising excitement, view with more calmness acknowledged truths. They will see that there can be no inconsistency in the ways of Providence, that to the command received as divine by all races of men, "no innocent blood shall be spilt," there can be no exception; and when they shall have been convinced of the error of this first and most criminal of their customs, may it not be hoped that others, which stand in the way of their improvement, may likewise pass away, and that thus emancipated from these chains and shackles upon their minds and actions, they may no longer continue, as they have done, the slaves of every foreign conqueror, but that they may assume their just places among the great families of mankind? I disown in these remarks, or in this measure, any view whatever to conversion to our own faith. I write and feel as a legislator for the Hindu, and as I believe many enlightened Hindus think and feel.

Descending from these higher considerations, it cannot be a dishonest ambition that the Government of which I form a part should have the credit of an act which is to wash out a foul stain upon British rule, and to stay the sacrifice of humanity and justice to a doubtful expediency; and, finally, as a branch of the general administration of the Empire, I may be permitted to feel deeply anxious that our course shall be in accordance with the noble example set to us by the British Government at home, and that the adaptation, when practicable to the circumstances of this vast Indian population, of the same enlightened

principles, may promote here as well as there the general prosperity, and may exalt the character of the nation.

WM. BENTINCK.

November 8th, 1829.

*Source.*—(ii) A Regulation for declaring the practice of *sati*, or of burning or burying alive the widows of Hindus, illegal and punishable by the Criminal Courts. Passed by the Governor-General in Council on the 4th December, 1829. “Administration of the East India Company.” Sir J. W. Kaye. (Richard Bentley.)

The practice of *sati*, or of burning or burying alive the widows of Hindus, is revolting to the feelings of human nature. It is nowhere enjoined by the religion of the Hindus as an imperative duty; on the contrary, a life of piety and retirement on the part of the widow is more especially and preferably inculcated, and by a vast majority of people throughout India the practice is not kept up or observed. In some extensive districts it does not exist; in those in which it has been most frequent, it is notorious that in many instances acts of atrocity have been perpetrated which have been shocking to the Hindus themselves, and in their eyes unlawful and wicked. The measures hitherto adopted to discourage and prevent such acts have failed of success, and the Governor-General in Council is deeply impressed with the conviction that the abuses in question cannot be effectually put an end to without abolishing the practice altogether. Actuated by these considerations, the Governor-General in Council—without intending to depart from one of the first and most important principles of the system of British Government in India, that all classes of the people be secure in the observance of their religious usages, so long as that system can be adhered to without violation of the paramount dictates of justice and humanity—has deemed it right to establish the following rules, which are hereby enacted to be in force from the time of their promulgation throughout the territories immediately subject to the Presidency of Fort William.

1. The practice of *sati*, or of burning or burying alive the widows of Hindus, is hereby declared illegal, and punishable by the Criminal Court.

2. First. All Zamindars,<sup>1</sup> Talukdars,<sup>2</sup> or other proprietors of land; all Sudder farmers and under-renters of land of every description; all dependent Talukdars; all Naibs,<sup>3</sup> and other local agents; all native officers employed in the collection of the

<sup>1</sup> Proprietors of land directly responsible to Government for payment of revenue.

<sup>2</sup> Agents of Zamindars.

<sup>3</sup> Principal tenants.

revenue and rents of lands on the part of Government or the Court of Wards ; and all Mundals<sup>1</sup> and other head men of villages, are hereby declared especially accountable for the immediate communication to the officers of the nearest police station of any intended sacrifice of the nature described in the foregoing section, and any Zamindars, or other description of persons above noticed, to whom such responsibility is declared to attach, who may be convicted of wilfully neglecting or delaying to furnish the information above required, shall be liable to be fined by the magistrate in any sum not exceeding two hundred rupees, and in default of payment, to be confined for any period of imprisonment not exceeding six months.

Second. Immediately on receiving intelligence that the sacrifice declared illegal by this Regulation is likely to occur, the police Darogah shall either repair in person to the spot, or depute his Mohussir or jemadar, accompanied by one or more Burkundazes of the Hindu religion ; and it shall be the duty of the police officers to announce to the persons assembled for the performance of the ceremony that it is illegal, and to endeavour to prevail upon them to disperse, explaining to them that in the event of their persisting in it they will involve themselves in a crime, and become subject to punishment in the Criminal Courts. Should the parties assembled proceed, in defiance of these remonstrances, to carry the ceremony into effect it shall be the duty of the police officers to use all lawful means in their power to prevent the sacrifice taking place, and to apprehend the principal persons aiding and abetting in the performance of it ; and in the event of the police officers being unable to apprehend them, they shall endeavour to ascertain their names and places of abode, and shall immediately communicate the whole of the particulars to the magistrate, or the joint magistrates, for his orders.

3. Should intelligence of a sacrifice, declared illegal by this Regulation, not reach the police officers until after it shall have actually taken place, or should the sacrifice have been carried into effect before their arrival at the spot, they will nevertheless institute a full inquiry into the circumstances of the case, in like manner as on all other occasions of unnatural death, and report them for the information and orders of the magistrate to whom they may be subordinate.

4. First. On the receipt of the news required to be made by the police Darogahs, under the provision of the foregoing section, the magistrate, or joint magistrates, of the jurisdiction in which the sacrifice may have taken place, shall inquire into the circumstances of the case, and shall adopt the necessary

<sup>1</sup> A village official.

measures for bringing the parties concerned in promoting it to trial before the Court of Circuit.

Second. It is hereby declared that, after the promulgation of this Regulation, all persons convicted of aiding and abetting in the sacrifice of a Hindu widow, by burning or by burying her alive, whether the sacrifice be voluntary on her part or not, shall be deemed guilty of culpable homicide, and shall be liable to punishment by fine or by imprisonment, or by both fine and imprisonment, at the discretion of the Court of Circuit, according to the nature and circumstances of the case, and the degree of guilt established against the offender; nor shall it be held to be any plea of justification that he or she was desired by the party sacrificed to assist in putting her to death.

Third. Persons committed to take their trial before the Court of Circuit for the offence above mentioned, shall be admitted to bail, or not, at the discretion of the magistrate, subject to the general rules in force in regard to the admission of bail.

5. It is further deemed necessary to declare, that nothing contained in this Regulation shall be constituted to preclude the Court of Nizamat Adalat from passing sentence of death on persons convicted of using violence or compulsion, or of having assisted in burning or burying alive a Hindu widow, while labouring under a state of intoxication or stupefaction, or other cause impeding the exercise of her free will, when, from the aggravated nature of the offence proved against the prisoner, the Court may see no circumstances to render him or her a proper object of mercy.

Another matter which claimed Bentinck's attention and which demanded his interference was the system of Thug, the nature of which is explained by the words of Sir John Kaye below. For very many years the British rulers in India were in a state of almost complete ignorance of the practice by which hundreds of innocent travellers were brutally murdered by gangs of professional and hereditary assassins. The difficulty of suppressing the evil was not confined to the diabolical skill shown by the culprits concerned. The authorities of the villages in which the Thugs<sup>1</sup> lived were often aware of their calling and themselves benefited by the receipt of hush-money. It was also well-nigh impossible for the local or provincial authorities to deal with the problem, as the Thugs on hearing the news of

<sup>1</sup> The word means "a deceiver."

their intended capture moved into another part of the country where the local police had no control. It was also a work of great difficulty to collect evidence sufficient to ensure a conviction in a court of law. Bentinck therefore inaugurated certain necessary reforms. He substituted a special Thugi and Dakaiti Department which was invested with special powers throughout the Company's dominions. An Act was passed by which the Thugs might be summarily dealt with and punished. Fortified by these additional powers, Colonel Sleeman and his subordinates very quickly got to work and defeated the Thugs at their own game by acquiring as much knowledge of the theory of Thugi as the Thugs themselves. Pardon and employment were offered to those captured Thugs who seemed most likely to be of service to Government. With the help of these "approvers," as they were called, the different gangs were quickly hunted down and brought to justice. It was, as Sir John Kaye has written, "a great achievement—a great victory. A few English officers, acting under the orders of the supreme administrative authorities, purged India of this great pollution."

#### The Profession of Thugi

*Source.*—“Administration of the East India Company, 1853.”  
J. W. Kaye. (Richard Bentley.)

The profession of Thugi was the cowardly strangling of unsuspecting travellers in remote places, generally committed under circumstances of falsehood and treachery of the deepest dye. These Thugs, leagued together in a great motherhood of crime, having taken the Sacrament with all possible solemnity, went about the country murdering in their cold bloodless style all the unwary wayfarers they could seduce into their toils. There was nothing to distinguish these artists from ordinary travellers. They assumed many different disguises, and played many different parts. They separated on the road, straggled into the towns and villages in little parties of three and four, and met as though they were strangers to each other. Perhaps one of the gang travelled in some state, as a man of rank, accompanied by numerous attendants, and a few palanquins or doolies, in which were said to be the ladies of his family, though in reality they contained little but the implements of their pro-

fession. On the road, so disguised, with nothing about them to awaken suspicion, these traders in death would fall, as though by accident, into the company of other wayfarers, and watching a favourable opportunity on the skirts of some jungle, or in some secluded place bordering upon a convenient watercourse, would throw the murderous waistband or tartan cloth round the neck of their victim and scientifically do him to death. One man threw the fatal noose, another, seizing the other end of the rope or cloth, drew it tightly round the helpless wretch's neck, the two together pressing his head forward with their disengaged hands, whilst a third seized him by the legs and threw him to the ground. There could be no resistance. The work was quickly done. The body was then stripped, the property secured, and very soon the corpse was buried. The consecrated pickaxe,<sup>1</sup> plied with miraculous silence, soon dug a grave for the body. If a stranger approached whilst they were thus engaged, they laid a cloth decently and reverently over the carcase of the murdered man, and kneeling down beside it, lifted up their voices and wept over the death of a beloved comrade.

It may be doubted whether any class of natives ever followed their peculiar avocations with a keener relish than these Thugs. They were brought up from early youth to the dreadful trade. Thugi was to them not merely a profession, it was a religion. They believed that the goddess smiled down upon their exploit, and communicated with them through the agency of certain recognised sights and sounds. They performed ceremonial rites in propitiation of the deity, and then looked eagerly for the anticipated omens. No augurs, in remote ages of classical antiquity, ever consulted the auspices with more outward solemn observances, or a firmer inward faith in the expected revelations.

When once the omens had shown themselves to be propitious, and the goddess had smiled upon the enterprise, murder became not only a religious duty, but a pleasant task. No compunctions then visited the enlightened Thug. "And do you never feel sympathy for the persons murdered—never pity or compunction?" asked Colonel Sleeman of a Thug who had turned approver. "Never," was the answer. "How can you," pursued the English officer, "murder old men and young children without some emotions of pity—calmly and deliberately as they sit with you, and converse with you—and tell you of their private

<sup>1</sup> The pickaxe, forged with due solemnity, and then consecrated with certain prescribed formalities, was held in especial veneration by the Thugs. It was forbidden to bury the dead with any other instrument; for it was the symbol of their profession, and a legacy left, it was believed, by the goddess herself.

affairs—of their hopes and fears—and of their wives and children they are going to meet, after long years of absence, toil, and suffering?" And the answer returned was, "From the time that the omens have been favourable, we consider them as victims thrown into our hands by the deity to be killed, and that we are the mere instruments in his hands to destroy them; that if we do not kill them, she will never again be propitious to us, and we and our families will be involved in misery and want."

### Thugs at Work

*Source.*—“Report of the Thug Gangs of Upper and Central India in the Year 1839.” W. Sleeman. (G. H. Huliman, Calcutta.)

After the murder of the Zeypore Sepoy, I remained about forty days at home, and then started with a Thug gang. In the rains we commenced our journey from Kotdu in search of travellers, and two Thugs, Adhar and Satar, the latter of whom is an expert inveigler, won a traveller's confidence. He was a Rajput from Lahore going to his home and was lodged by his decoys in the house of a Bunya. They awoke him during the night and set out with him, but on the way he said to his two decoys, “You are two suspicious persons! You look like Thugs, do not come near me!” Seeing that he had become suspicious, I said to the party in my secret Thug language, “Go aside, he suspects you.” They returned. The traveller then addressed me, expressing his doubts, and suggested that we two should keep together. I agreed with him and expressed my doubts of these two men. So we walked on together, and I took the opportunity of strangling him as he walked. Muk-dormee Thug was close at hand to aid. We flung the body into a spot where there was no water and left it to be devoured by jackals.

After this we broke into two parties, Madara and myself keeping together and alone. We proceeded in search of travellers, and the same day I inveigled a traveller, a young man, a grass cutter. In order to get him to alight from his pony, Madara feigned illness and pretended to vomit. I induced the traveller to alight and to wait till Madara was better. He alighted and sat down, and I getting behind him strangled him, and Madara pulled his feet. We stabbed him with a sword under the armpit and flung his body into a well—from whence can be had his bones and the bones of some fifteen or sixteen other travellers, which I myself flung into that well. We then went home, having been out about a month, and obtained by two murders about

fifty rupees as my own share. He who strangles and he who inveigles always gets the greatest share.

After my journey I was obliged to give the Zamindar of my village some present, for the whole village knew that I was a Thug, and the Zamindar would have put me in irons but for these presents. All Thugs thus propitiate their Zamindars. I never told my wife of these murders, or of my being a Thug ; we do not tell our wives lest they discover the secret to others.

### A Gang of Successful Thugs

*Source.*—Letter written by Capt. Vallancey to the *United Service Gazette*.

SIR,—My object in addressing you is to give a short account of the different colonies of Thugs that have infested the Cuddapah and Chittoor Districts, the Northern Circars and Orissa ; it being desirable that the public should be made acquainted with the ramifications of this dreadful system, and the operations going on for its entire suppression in Southern India.

From 1823 to 1836 a large body of what are termed Arcotise Thugs, under four famous leaders—Sheik Ahmad, Eman Sahib, Hoonor Sahib, and Hyder Khan—had been located in villages in the Masulipatam district from Moongal, on the Hyderabad border, to a village one stage north of Ellore. Most of these Thugs, more particularly the leaders, maintained excellent characters in their villages for being industrious cultivators. For the space of thirteen years these gangs carried on their murders with impunity on all the principal roads of the country within three hundred miles from their villages. On several of their expeditions they obtained large sums of money. One of their first prizes, after settling in the Bundah district, was a sum of 14,000 rupees by the murder of five persons, the property of a merchant of Bunder who was forwarding it to Hyderabad. About fourteen years since, when on an expedition in the direction of Gooty, they murdered four persons and obtained a prize of 6000 rupees, which money belonged to a merchant of Cuddapah. Again, not far from the same place a year afterwards, they fell in with five treasure carriers, by the murder of whom they gained another prize of 8000 rupees. Ten years since they surprised a Mogul horse merchant, with four people, whom they murdered and secured property to the amount of 3000 rupees. These form but a small portion of the murders perpetrated by these miscreants. From an account I have by me of murders disclosed to me, I find that from 1823 up to the time of the arrest

of these gangs they had committed sixty murders, by which 170 persons became their victims, and property to the amount of half a lakh of rupees had come into their hands. These Thugs might have continued unmolested to this day had not an approver of the Deccan Thugs disclosed their existence and place of residence. Shortly afterwards nearly the whole colony, which comprised sixty members, were apprehended.

By the seizure of these gangs a knowledge of the existence of a colony of Mussulman Thugs in the Vizagapatam district was gained. They had, twice or thrice, been met with on the roads, by the Bundah Thugs, and thus they became acquainted. To them alone was their existence known. How this colony had become planted in this part of India, the Arcotise Thugs could give no information; but when I had got the whole of them into safe custody I soon made myself conversant with their history. About twenty years ago they numbered between sixty and seventy; though at the time of their arrest they were reduced to twelve. The grandfathers of the oldest of them, with a number of others, had come from Hindustan; they were originally under three leaders, and appear never to have admitted strangers amongst them. Of late years many of the young hands, after their initiation, became sepoys and are now in various regiments, in which I have ascertained they bear good character. One of this fraternity, an expert strangler, who was lately hanged, was formerly a sepoy who used to take two parades leave, join his companions, commit a few murders, and return. These Thugs had never fallen in with a big prize. They were most inveterate murderers, sparing neither sex nor age; nor did they pay any respect to those castes which other Thugs thought it an heinous offence to murder. They seldom troubled themselves with omens, and the pickaxe was not held in any veneration; in fact, they were considered by the Arcotises an ill-omened set of Thugs. Their murders were numerous. From the year 1825 up to the time of their arrest in 1835 they perpetrated forty murders, comprising eighty persons.

The reforms referred to in this section are associated with the name of William Bentinck. As is the lot of most reformers he had to meet with much opposition, and especially from men of his own race. A most violent attack was made on his reputation by Mr. Thornton, who writes in his history<sup>1</sup> that "the administration of Lord William

<sup>1</sup> "History of British India." E. Thornton. (Imperial Record Department.)

Bentinck would appear almost a blank" and that he did less for India and for his own reputation than any who had occupied his place since the commencement of the nineteenth century, with the single exception of Sir George Barlow. "His besetting weakness was vanity—the idol of his worship was popularity, and he sought to win its behests by an unrestrained sacrifice to what is called the spirit of the age." But, in spite of aspersions such as these, the name of William Bentinck to-day is revered by all classes throughout India. The value of his work has been proved by time. Mr. Dutt has paid a generous tribute to the memory of a great ruler :

"Lord W. Bentinck left India in 1835. His seven years' rule was an era of peace, retrenchment and reform. He secured tranquillity in the East India Company's dominions, and lived at peace with the Indian powers. He reduced the public debt, decreased the annual expenditure, and showed a surplus. He commenced that revised settlement of land revenue in Northern India which gave relief to landlords and cultivators. He admitted people of India to the higher appointments in the revenue and judicial departments. He abolished the practice of *sati* and suppressed the crime of Thugs. He promoted English education in India, and endeavoured to carry out to the maximum the principle that the administration of India was primarily for the interests of the people. His successor, Sir Charles Metcalfe, trained in the traditions of his school, worked on the same lines, and followed the same principles. He gave liberty to the press of India, and earned for himself a high reputation as an able and benevolent administrator."

But Lord Bentinck did not have to await the verdict of history in vindication of his policy. Before he left India many Englishmen and almost all Indians had learnt to understand the true value of his actions. A statue was erected in Calcutta in his memory, the inscription of which was written by his friend and colleague, Macaulay.

To

WILLIAM CAVENDISH BENTINCK,

who during seven years ruled India with eminent prudence,  
integrity, and benevolence ;  
who, placed at the head of a great Empire, never laid aside the  
simplicity and moderation of a private citizen ;  
who infused into Oriental despotism the spirit of British freedom ;  
who never forgot that the end of government is  
the happiness of the governed ;  
who abolished cruel rites ;  
who effaced humiliating distinctions ;  
who gave liberty to the expression of public opinion ;  
whose constant study it was to elevate the intellectual and  
moral character of the nation committed to his charge.

This monument

was erected by men

who, differing in race, manners, in language, and in religion,  
cherish with equal veneration and gratitude  
the memory of his wise, reforming and paternal administration.

## CHAPTER VI

### THE DEVELOPMENT OF AN EDUCATIONAL SYSTEM

UNTIL the conclusion of the Mahratta wars in 1818 the British Government in India had neither the inclination nor the opportunity of considering the establishment of an educational system. Hitherto, their energies had been devoted chiefly to the consolidation of political power within the country. Only a few spasmodic efforts had been made to provide facilities for the education of the people. The Calcutta Madrasa had been started in 1781 for the teaching of Muhammadans, and in 1792 the Sanskrit College at Benares had been founded by Jonathan Duncan. The chief object of these institutions was to train up a number of Indians sufficiently versed in Hindu and Muhammadan law to satisfy the requirements of the judicial administration ; and therefore the courses of study were strictly Oriental.

At the beginning of the nineteenth century a few of the rulers began to realise the duty of educating the people entrusted to their care. Among these was Lord Minto who, writing in 1811, lamented the decay of learning among the peoples of India. Two years later, when the Company's charter was renewed, a lakh of rupees (£10,000) was set apart "for the revival and promotion of literature, and the encouragement of the learned natives of India, and for the introduction and promotion of a knowledge of the sciences among the inhabitants of the British territories."<sup>1</sup> But it was not until 1823 that the Governor-General in Council resolved that "there should be constituted a general committee of public instruction for the purpose of ascertaining the state of public education, and of the public institutions designed for its promotion, and of considering, and

<sup>1</sup> C. E. Trevelyan : "The Education of the People of India." (Longmans.)

from time to time submitting to Government, the suggestion of such measures as it may appear expedient to adopt with a view to the better instruction of the people, to the introduction among them of useful knowledge and to the improvement of their moral character."<sup>1</sup> As a result of this resolution committees were formed in the large centres of population, whose policy apparently was to publish Sanskrit and Arabic books rather than to encourage and supervise the establishment of schools and colleges. The reason why this policy was adopted is explained by Mr. Trevelyan, who points out that owing to the influence of Lord Wellesley's college at Fort William for the training of the Company's writers the sole test of merit among the members of the Civil Service was a knowledge of Oriental learning. The literary circle of Calcutta, therefore, whose life was centred to some extent round the Asiatic Society which had been founded by Sir William Jones in 1784, dominated the educational policy of the time, and insisted upon the encouragement of Eastern rather than Western learning.

Certain events then occurred which rendered necessary a reconsideration of its educational policy by the British Government in India. In the first place, Christian missionaries had settled in some numbers in the Madras Presidency and, to a lesser extent, in Bengal and elsewhere. These men introduced into the country a study of the English language and of Western learning. Perhaps the most remarkable of these was Alexander Duff, an old pupil of Dr. Chalmers, who arrived at Calcutta in 1830. He decided at once to adopt a missionary policy very different from that of his predecessors who relied chiefly on their preaching to convert the people to Christianity. It was his object—and in this he received the support of Dr. Wilson of Bombay—"by proper culture to awaken, develop, stimulate, and direct the various powers and susceptibilities of the human mind, and for this end to employ the English language as the most effective instrument ; to imbue the whole knowledge thus imparted with the spirit of true religion ; and at the same

<sup>1</sup> C. E. Trevelyan: "The Education of the People of India." (Longmans.)

time to devote daily a portion of time in every class to the systematic study of the Bible." With the assistance of Ram Mohan Roy he rented a building and started his school. Duff in no way neglected the vernaculars, for no boy in his school was allowed to begin English until he could read with ease his own vernacular. Success was immediate ; and by his experiment Duff proved both the possibility and the wisdom of using the English language as a medium of instruction. Lord William Bentinck bore testimony to the excellence of Duff's work in these words :—

I have always considered the Hindu College as one of the greatest engines of useful purpose that had been erected since our establishment in India ; but that institution, in point of usefulness, can bear no comparison with yours, in which improved education of every kind is combined with religious instruction. I will not prolong this letter further than to say that I cannot be more gratified with any man's good opinion than by yours.

Duff was in Edinburgh at the time of the General Assembly of 1835, when he took the opportunity of pleading the cause of Indian missions in a speech which was regarded at the time as equal to the masterpieces of Fox and Pitt. The effect of it was tremendous. Not only did he prove the value of what may be termed the "educational system" of missions, but he enlisted the support of a race and of a religion which have played a very great part in the development of education in India.

Amongst Indians also there was a small group of progressive thinkers who evinced a strong desire that their countrymen should receive the benefits of an English education and training. The opinions of these men can best be gauged from the following letter written by Raja Ram Mohan Roy to Lord Amherst.

#### The Introduction of Western Learning

*Source.*—Letter written by Raja Ram Mohan Roy to Lord Amherst.

MY LORD,

Humbly reluctant as the natives of India are to obtrude upon the notice of Government the sentiments they entertain on any public measure, there are circumstances when silence

would be carrying this respectful feeling to culpable excess. The present rulers of India, coming from a distance of many thousands of miles to govern a people whose language, literature, manners, customs, and ideas are almost entirely new and strange to them, cannot easily become so intimately acquainted with their real circumstances as the natives of the country are themselves. We should, therefore, be guilty of a gross dereliction of duty to ourselves, and afford our rulers just ground of complaint at our apathy, did we omit an occasion of importance like the present to supply them with such accurate information as might enable them to devise and adopt measures calculated to be beneficial to the country, and thus second by our local knowledge and experience their declared benevolent intentions for its improvements.

The establishment of a new Sanskrit school in Calcutta evinces the laudable desire of Government to improve the natives of India by education—a blessing for which they must ever be grateful. When this seminary was proposed, we understood that the Government in England had ordered a considerable sum of money to be annually devoted to the instruction of its Indian subjects. We were filled with sanguine hopes that this sum would be laid out in employing European gentlemen of talents and education to instruct the natives of India in mathematics, natural philosophy, chemistry, anatomy, and other useful sciences, which the nations of Europe have carried to a degree of perfection that has raised them above the inhabitants of other parts of the world.

While we looked forward with pleasing hope to the dawn of knowledge thus promised to the rising generation, our hearts were filled with mingled feelings of delight and gratitude; we already offered up thanks to Providence for inspiring the most generous and enlightened nations of the West with the glorious ambition of planting in Asia the arts and sciences of modern Europe.

We find that the Government are establishing a Sanskrit school under Hindu pundits, to impart such knowledge as is already current in India. This seminary (similar in character to those which existed in Europe before the time of Lord Bacon) can only be expected to load the minds of youth with grammatical niceties and metaphysical distinctions of little or no practical use to the possessors or to society. The pupils will there acquire what was known two thousand years ago, with the addition of vain and empty subtilties since produced by speculative men, such as is already taught in all parts of India.

The Sanskrit language, so difficult that almost a lifetime is necessary for its acquisition, is well known to have been for ages a lamentable check on the diffusion of knowledge; and the

learning concealed under this almost impervious veil is far from sufficient to reward the labour of acquiring it. But if it were thought necessary to perpetuate this language for the sake of the portion of valuable information it contains, this might be much more easily accomplished than by the establishment of a new Sanskrit college; for there have been always and are now numerous professors of Sanskrit in the different parts of the country engaged in teaching this language as well as the other branches of literature which are to be the object of the new seminary. Therefore their more diligent cultivation, if desirable, would be effectually promoted by holding out premiums and granting certain allowances to their most eminent professors, "who have already undertaken on their own account to teach them, and would by such rewards be stimulated to still greater exertions.

From these considerations, as the sum set apart for the instruction of natives of India was intended by the Government of India for the improvement of its Indian subjects, I beg leave to state that if the plan now adopted be followed it will completely defeat the object proposed, since no improvement can be expected from inducing young men to consume a dozen of years in acquiring the niceties of Sanskrit grammar.

Neither can much improvement arise from such speculations as the following, which are the themes suggested by the Vedant: In what manner is the soul absorbed in the Deity? What relation does it bear to the Divine essence? Nor will youths be fitted to be better members of society by the Vedantic doctrines, which teach them to believe that all visible things have no real existence; that as father, mother, etc., have no actual entity, they consequently deserve no real affection, and therefore the sooner we escape from them and brave the world the better.

The student of the Nyayushastra cannot be said to have improved his mind after he has learnt from it into how many ideal classes the objects in the universe are divided, and what speculative relation the soul bears to the body, the body to the soul, the soul to the ear, etc.

In order to enable your lordship to appreciate the utility of encouraging such imaginary learning as above characterised, I beg your lordship will be pleased to compare the state of science and literature in Europe before the time of Lord Bacon with the progress of knowledge made since he wrote.

If it had been intended to keep the British nation in ignorance of real knowledge, the Baconian philosophy would not have been allowed to displace the system of the schoolmen, which was the test calculated to perpetuate ignorance. In the same manner the Sanskrit system of education would be the best calculated to keep this country in darkness, if such had been

the policy of the British Legislature. But as the improvement of the native population is the object of the Government, it will consequently promote a more liberal and enlightened system of instruction; embracing mathematics, natural philosophy, chemistry, anatomy, with other useful sciences, which may be accomplished with the sum proposed by employing a few gentlemen of talent and learning educated in Europe, and providing a college furnished with necessary books, instruments, and other apparatus.

In representing this subject to your lordship I conceive myself discharging a solemn duty which I owe to my countrymen, and also to that enlightened sovereign and legislature which have extended their benevolent care to this distant land, actuated by a desire to improve its inhabitants, and therefore humbly trust you will excuse the liberty I have taken in thus expressing my sentiments to your lordship.

It was not long before the British rulers themselves followed the lead which was given by the Christian missionaries and the Indian reformers. Elphinstone and Munro were, both of them, keenly interested in the improvement of educational facilities for Indian boys. The former saw that there was but one remedy for the great social evils from which the country was suffering and that that was education. In 1822 there had been constituted a Bombay Native School Book and School Society, a record of whose proceedings is still extant in Elphinstone College, though in a very mutilated condition owing to the ravages of white ants. Its members administered a sum of money which was granted for the multiplication of Oriental books of learning. In 1824 a deputation waited upon Elphinstone and asked that a portion of the money should be devoted to the establishment of a school. A portion of the Governor's reply, which seems superior to that of Macaulay in its breadth of view and knowledge of local conditions, is given in the following extract.

#### **Education in Bombay**

*Source.*—“Official Writings of Mountstuart Elphinstone.” Edited by G. W. Forrest. (Bentley.)

If it be admitted that the assistance of Government be necessary, the next question is, How it can best be afforded? and there are two ways which present themselves for considera-

tion. The Government may take the education of the natives entirely on itself, or it may increase the means and stimulate the exertions of the society already formed for that purpose. The best result will probably be produced by a combination of these two methods of proceeding. Many of the measures necessary for the diffusion of education must depend on the spontaneous zeal of individuals, and could not be effected by any resolutions of the Government. The promotion of these measures, therefore, should be committed to the Society ; but there are others which require an organised system, and a greater degree of regularity and permanence than can be expected from any plan, the success of which is to depend upon personal character. This last branch, therefore, must be undertaken by the Government.

The following are the principal measures required for the diffusion of knowledge among the natives ; 1st, to *improve* the mode of teaching at the native schools, and to *increase* the number of schools ; 2nd, to supply them with school-books ; 3rd, to hold out some encouragement to the lower orders of natives to avail themselves of the means of instruction thus afforded them ; 4th, to establish schools for teaching the European sciences and improvements in the higher branches of education ; 5th, to provide for the preparation and publication of books of moral and physical science in native languages ; 6th, to establish schools for the purpose of teaching English to those disposed to pursue it as a classical language, and as a means of acquiring a knowledge of the European discoveries ; 7th, to hold forth encouragement to the natives in the pursuit of these last branches of knowledge.

\* \* \* \* \*

At no time, however, could I wish that the purely Hindu part of the course should be totally abandoned. It would surely be a preposterous way of adding to the intellectual treasures of a nation to begin by the destruction of its indigenous literature ; and I cannot but think that the future attainments of the natives will be increased in extent as well as in variety by being, as it were, engrafted on their own previous knowledge, and imbued with their own original and peculiar character.

The memorial of Ram Mohan Roy which has been quoted above did not meet with any immediate success in that it was handed over by Lord Amherst to the Education Committee and remained unanswered. The reason for this was that the work of the Committee had been obstructed by a

violent schism within its ranks. The Oriental party, which included the Secretary to Government, Mr. Thoby Prinsep, urged very strongly that the old policy of printing Arabic and Sanskrit works and of "hiring students to attend the Arabic college" should be continued. The opposing party advocated with equal strength and with equal heat that the income of the Committee should be devoted rather to the establishment of schools in which instruction in English and the vernacular languages should be given. For a long time the parties were equally divided. The influence of Lord William Bentinck, however, and especially of that of Macaulay, who had come out to India as the first Law Member and who acted as President of the Education Committee, gave a signal victory to the English party. In view of the momentous nature of the decision arrived at, we give below Macaulay's famous minute, the Government resolution defining the new departure, and an appreciation by Alexander Duff of its importance and its limitations.

### A Great Departure in Educational Policy

*Source.*—(i) Minute by the Hon'ble T. B. Macaulay, dated the 2nd February, 1835.

As it seems to be the opinion of some of the gentlemen who compose the Committee of Public Instruction that the course which they have hitherto pursued was strictly prescribed by the British Parliament in 1813, and as, if that opinion be correct, a legislative act will be necessary to warrant a change, I have thought it right to refrain from taking any part in the preparation of the adverse statements which are now before us, and to reserve what I had to say on the subject till it should come before me as a member of the Council of India.

2. It does not appear to me that the Act of Parliament can by any art of construction be made to bear the meaning which has been assigned to it. It contains nothing about the particular languages or sciences which are to be studied. A sum is set apart "for the revival and promotion of literature, and the encouragement of the learned natives of India, and for the introduction and promotion of a knowledge of the sciences among the inhabitants of the British territories." It is argued, or rather taken for granted, that by literature the Parliament can have meant only Arabic and Sanskrit literature; that they never would have given the honourable appellation of "a learned

native" to a native who was familiar with the poetry of Milton, the metaphysics of Locke, and the physics of Newton; but that they meant to designate by that name only such persons as might have studied in the sacred books of the Hindus all the uses of cusa-grass, and all the mysteries of absorption into the Deity. This does not appear to be a very satisfactory interpretation. To take a parallel case: Suppose that the Pasha of Egypt, a country once superior in knowledge to the nations of Europe, but now sunk far below them, were to appropriate a sum for the purpose "of reviving and promoting literature, and encouraging learned natives of Egypt," would anybody infer that he meant the youth of his Pachalik to give years to the study of hieroglyphics, to search into all the doctrines disguised under the fable of Osiris, and to ascertain with all possible accuracy the ritual with which cats and onions were anciently adored? Would he be justly charged with inconsistency if, instead of employing his young subjects in deciphering obelisks, he were to order them to be instructed in the English and French languages, and in all the sciences to which those languages are the chief keys?

3. The words on which the supporters of the old system rely do not bear them out, and other words follow which seem to be quite decisive on the other side. This lakh of rupees is set apart not only for "reviving literature in India," the phrase on which their whole interpretation is founded, but also "for the introduction and promotion of a knowledge of the sciences among the inhabitants of the British territories"—words which are alone sufficient to authorise all the changes for which I contend.

4. If the Council agree in my construction, no legislative act will be necessary. If they differ from me, I will propose a short act rescinding that clause of the Charter of 1813 from which the difficulty arises.

The argument which I have been considering affects only the form of proceeding. But the admirers of the Oriental system of education have used another argument, which, if we admit it to be valid, is decisive against all change. They conceive that the public faith is pledged to the present system, and that to alter the appropriation of any of the funds which have hitherto been spent in encouraging the study of Arabic and Sanskrit would be downright spoliation. It is not easy to understand by what process of reasoning they can have arrived at this conclusion. The grants which are made from the public purse for the encouragement of literature differ in no respect from the grants which are made from the same purse for other objects of real or supposed utility. We found a sanitorium on a spot which we suppose to be healthy. Do we thereby pledge

ourselves to keep a sanitorium there if the result should not answer our expectations ? We commence the erection of a pier. Is it a violation of the public faith to stop the works if we afterwards see reason to believe that the building will be useless ? The rights of property are undoubtedly sacred. But nothing endangers those rights so much as the practice, now unhappily too common, of attributing them to things to which they do not belong. Those who would impart to abuses the sanctity of property are in truth imparting to the institution of property the unpopularity and the fragility of abuses. If the Government has given to any person a formal assurance—nay, if the Government has excited in any person's mind a reasonable expectation—that he shall receive a certain income as a teacher or a learner of Sanskrit or Arabic, I would respect that person's pecuniary interests ; I would rather err on the side of liberality to individuals than suffer the public faith to be called in question. But to talk of a Government pledging itself to teach certain languages and certain sciences, though those languages may become useless, though those sciences may be exploded, seems to me quite unmeaning. There is not a single word in any public instrument from which it can be inferred that the Indian Government ever intended to give any pledge on this subject, or ever considered the destination of these funds as unalterably fixed. But, had it been otherwise, I should have denied the competence of our predecessors to bind us by any pledge on such a subject. Suppose, that a Government had in the last century enacted in the most solemn manner that all its subjects should, to the end of time, be inoculated for the smallpox, would that Government be bound to persist in the practice after Jenner's discovery ? These promises of which nobody claims the performance, and from which nobody can grant a release, these vested rights which vest in nobody, this property without proprietors, this robbery which makes nobody poorer, may be comprehended by persons of higher faculties than mine. I consider this plea merely as a set form of words, regularly used both in England and in India, in defence of every abuse for which no other plea can be set up,

5. I hold this lakh of rupees to be quite at the disposal of the Governor-General in Council for the purpose of promoting learning in India in any way which may be thought most advisable. I hold his lordship to be quite as free to direct that it shall no longer be employed in encouraging Arabic and Sanskrit, as he is to direct that the reward for killing tigers in Mysore shall be diminished, or that no more public money shall be expended on the chanting at the cathedral.

6. We now come to the gist of the matter. We have a fund to be employed as Government shall direct for the intellectual

improvement of the people of this country. The simple question is, what is the most useful way of employing it?

7. All parties seem to be agreed on one point, that the dialects commonly spoken among the natives of this part of India contain neither literary nor scientific information, and are, moreover, so poor and rude that, until they are enriched from some other quarter, it will not be easy to translate any valuable work into them. It seems to be admitted on all sides, that the intellectual improvement of those classes of the people who have the means of pursuing higher studies can at present be effected only by means of some language not vernacular amongst them.

8. What then shall that language be? One-half of the Committee maintain that it should be English. The other half strongly recommend Arabic and Sanskrit. The whole question seems to me to be—which language is the best worth knowing?

9. I have no knowledge of either Sanskrit or Arabic. But I have done what I could to form a correct estimate of their value. I have read translations of the most celebrated Arabic and Sanskrit works. I have conversed, both here and at home, with men distinguished by their proficiency in the Eastern tongues. I am quite ready to take the Oriental learning at the valuation of the Orientalists themselves. I have never found one among them who could deny that a single shelf of a good European library was worth the whole native literature of India and Arabia. The intrinsic superiority of the Western literature is, indeed, fully admitted by those members of the Committee who support the Oriental plan of education.

10. It will hardly be disputed, I suppose, that the department of literature in which the Eastern writers stand highest, is poetry. And I certainly never met with any Orientalist who ventured to maintain that the Arabic and Sanskrit poetry could be compared to that of the great European nations. But when we pass from works of imagination to works in which facts are recorded and general principles investigated, the superiority of the Europeans becomes absolutely immeasurable. It is, I believe, no exaggeration to say that all the historical information which has been collected from all the books written in the Sanskrit language is less valuable than what may be found in the most paltry abridgments used at preparatory schools in England. In every branch of physical or moral philosophy the relative position of the two nations is nearly the same.

11. How then stands the case? We have to educate a people who cannot at present be educated by means of their mother-tongue. We must teach them some foreign language. The claims of our own language it is hardly necessary to recapitulate.

It stands pre-eminent even among the languages of the West. It abounds with works of imagination not inferior to the noblest which Greece has bequeathed to us—with models of every species of eloquence—with historical compositions which, considered merely as narratives, have seldom been surpassed, and which, considered as vehicles of ethical and political instruction have never been equalled—with just and lively representations of human life and human nature—with the most profound speculations on metaphysics, morals, government, jurisprudence, trade—with full and correct information respecting every experimental science which tends to preserve the health, to increase the comfort, or to expand the intellect of man. Whoever knows that language has ready access to all the vast intellectual wealth which all the wisest nations of the earth have created and hoarded in the course of ninety generations. It may safely be said that the literature now extant in that language is of greater value than all the literature which three hundred years ago was extant in all the languages of the world together. Nor is this all. In India, English is the language spoken by the ruling class. It is spoken by the higher class of natives at the seats of Government. It is likely to become the language of commerce throughout the seas of the East. It is the language of two great European communities which are rising, the one in the south of Africa, the other in Australasia—communities which are every year becoming more important and more closely connected with our Indian Empire. Whether we look at the intrinsic value of our literature, or at the particular situation of this country, we shall see the strongest reason to think that, of all foreign tongues, the English tongue is that which would be the most useful to our native subjects.

12. The question now before us is simply whether, when it is in our power to teach this language, we shall teach languages in which, by universal confession, there are no books on any subject which deserve to be compared to our own, whether, when we can teach European science, we shall teach systems which, by universal confession, wherever they differ from those of Europe differ for the worse, and whether, when we can patronize sound philosophy and true history, we shall countenance, at the public expense, medical doctrines which would disgrace an English farrier, astronomy which would move laughter in girls at an English boarding school, history abounding with kings thirty feet high and reigns thirty thousand years long, and geography made of seas of treacle and seas of butter.

13. We are not without experience to guide us. History furnishes several analogous cases, and they all teach the same lesson. There are, in modern times, to go no further, two memorable instances of a great impulse given to the mind of

a whole society, of prejudices overthrown, of knowledge diffused, of taste purified, of arts and sciences planted in countries which had recently been ignorant and barbarous.

14. The first instance to which I refer is the great revival of letters among the Western nations at the close of the fifteenth and the beginning of the sixteenth century. At the time almost everything that was worth reading was contained in the writings of the ancient Greeks and Romans. Had our ancestors acted as the Committee of Public Instruction has hitherto acted—had they neglected the language of Thucydides and Plato, and the language of Cicero and Tacitus—had they confined their attention to the old dialects of our own island, had they printed nothing and taught nothing at the universities but chronicles in Anglo-Saxon and romances in Norman French—would England ever have been what she now is? What the Greek and Latin were to the contemporaries of More and Ascham, our tongue is to the people of India. The literature of England is now more valuable than that of classical antiquity. I doubt whether the Sanskrit literature be as valuable as that of our Saxon and Norman progenitors. In some departments—in history for example—I am certain that it is much less so.

15. Another instance may be said to be still before our eyes. Within the last hundred and twenty years, a nation which had previously been in a state as barbarous as that in which our ancestors were before the Crusades has gradually emerged from the ignorance in which it was sunk, and has taken its place among civilised communities. I speak of Russia. There is now in that country a large educated class abounding with persons fit to serve the State in the highest functions, and in nowise inferior to the most accomplished men who adorn the best circles of Paris and London. There is reason to hope that this vast Empire which, in the time of our grandfathers, was probably behind the Punjab, may in the time of our grandchildren, be pressing close on France and Britain in the career of improvement. And how was this change effected? Not by flattering national prejudices; not by feeding the mind of the young Muscovite with the old woman's stories which his rude fathers had believed; not by filling his head with lying legends about St. Nicholas; not by encouraging him to study the great question, whether the world was or not created on the 13th of September; not by calling him "a learned native" when he had mastered all these points of knowledge, but by teaching him those foreign languages in which the greatest mass of information had been laid up, and thus putting all that information within his reach. The languages of Western Europe civilised Russia. I cannot doubt that they will do for the Hindu what they have done for the Tartar.

5. And what are the arguments against that course which seems to be alike recommended by theory and by experience? It is said that we ought to secure the co-operation of the native public, and that we can do this only by teaching Sanskrit and Arabic.

17. I can by no means admit that, when a nation of high intellectual attainments undertakes to superintend the education of a nation comparatively ignorant, the learners are absolutely to prescribe the course which is to be taken by the teachers. It is not necessary, however, to say anything on this subject. For it is proved by unanswerable evidence that we are not at present securing the co-operation of the natives. It would be bad enough to consult their intellectual taste at the expense of their intellectual health. But we are consulting neither. We are withholding from them the learning which is palatable to them. We are forcing on them the mock learning which they nauseate.

18. This is proved by the fact that we are forced to pay our Arabic and Sanskrit students while those who learn English are willing to pay us. All the declamations in the world about the love and reverence of the natives for their sacred dialects will never, in the mind of any impartial person, outweigh this undisputed fact, that we cannot find in all our vast Empire a single student who will let us teach him those dialects, unless we will pay him.

19. I have now before me the accounts of the Madrassa for one month, the month of December, 1833. The Arabic students appear to have been seventy-seven in number. All receive stipends from the public. The whole amount paid to them is above 500 rupees a month. On the other side of the account stands the following item:—

Deduct amount realised from the out-students of English  
for the months of May, June, and July last—103 rupees.

20. I have been told that it is merely from want of local experience that I am surprised at these phenomena, and that it is not the fashion for students in India to study at their own charges. This only confirms me in my opinions. Nothing is more certain than that it never can, in any part of the world, be necessary to pay men for doing what they think pleasant or profitable. India is no exception to this rule. The people of India do not require to be paid for eating rice when they are hungry, or for wearing woollen cloth in the cold season. To come nearer to the case before us: The children who learn their letters and a little elementary arithmetic from the village schoolmaster are not paid by him. He is paid for teaching them. Why then is it necessary to pay people to learn Sanskrit and Arabic?

Evidently because it is universally felt that the Sanskrit and Arabic are languages the knowledge of which does not compensate for the trouble of acquiring them. On all such subjects the state of the market is the decisive test.

21. Other evidence is not wanting, if other evidence were required. A petition was presented last year to the Committee by several ex-students of the Sanskrit College. The petitioners stated that they had studied in the college ten or twelve years; that they had made themselves acquainted with Hindu literature and science, that they had received certificates of proficiency. And what is the fruit of all this? "Notwithstanding such testimonials," they say, "we have but little prospect of bettering our condition without the kind assistance of your honourable committee, the indifference with which we are generally looked upon by our countrymen, leaving no hope of encouragement and assistance from them." They therefore beg that they may be recommended to the Governor-General for places under the Government—not places of high dignity or emolument, but such as may just enable them to exist. "We want means," they say, "for a decent living, and for our progressive improvement, which, however, we cannot obtain without the assistance of Government, by whom we have been educated and maintained from childhood." They conclude by representing very pathetically that they are sure that it was never the intention of Government, after behaving so liberally to them during their education, to abandon them to destitution and neglect.

22. I have been used to see petitions to Government for compensation. All those petitions, even the most unreasonable of them, proceeded on the supposition that some loss had been sustained, that some wrong had been inflicted. These are surely the first petitioners who ever demanded compensation for having been educated gratis, for having been supported by the public during twelve years, and then sent forth into the world well furnished with literature and science. They represent their education as an injury which gives them a claim on the Government for redress, as an injury for which the stipends paid to them during the infliction were a very inadequate compensation. And I doubt not that they are in the right. They have wasted the best years of life in learning what procures for them neither bread nor respect. Surely, we might with advantage have saved the cost of making these persons useless and miserable. Surely, men may be brought up to be burdens to the public and objects of contempt to their neighbours at a somewhat smaller charge to the State. But such is our policy. We do not even stand neutral in the contest between truth and falsehood. We are not content to leave the natives to the influence of their own hereditary prejudices. To the natural

difficulties which obstruct the progress of science in the East we add great difficulties of our own making. Bounties and premiums, such as ought not to be given even for the propagation of truth, we lavish on false test and false philosophy.

23. By acting thus we create the very evil which we fear. We are making that opposition which we do not find. What we spend on the Arabic and Sanskrit Colleges is not merely a dead loss to the cause of truth. It is bounty-money paid to raise up champions of error. It goes to form a nest not merely of helpless place-hunters, but of bigots promoted alike by passion and by interest to raise a cry against every useful scheme of education. If there should be any opposition among the natives to the change which I recommend, that opposition will be the effect of our own system. It will be headed by persons supported by our stipends and trained in our colleges. The longer we persevere in our present course the more formidable will that opposition be. It will be every year reinforced by recruits whom we are paying. From the native society, left to itself, we have no difficulties to apprehend. All the murmuring will come from that Oriental interest which we have, by artificial means, called into being and nursed into strength.

24. There is yet another fact which is alone sufficient to prove that the feeling of the native public, when left to itself, is not such as the supporters of the old system represent it to be. The Committee have thought fit to lay out above a lakh of rupees in printing Arabic and Sanskrit books. Those books find no purchasers. It is very rarely that a single copy is disposed of. Twenty-three thousand volumes, most of them folios and quartos, fill the libraries or rather the lumber-rooms of this body. The Committee contrive to get rid of some portion of their vast stock of Oriental literature by giving books away. But they cannot give so fast as they print. About 20,000 rupees a year are spent in adding fresh masses of waste paper to a hoard which, one should think, is already sufficiently ample. During the last three years, about 60,000 rupees have been expended in this manner. The sale of Arabic and Sanskrit books during those three years has not yielded quite 1000 rupees. In the meantime, the School Book Society is selling seven or eight thousand English volumes every year, and not only pays the expenses of printing, but realises a profit of 20 per cent on its outlay.

25. The fact that the Hindu law is to be learned chiefly from Sanskrit books, and the Muhammadan law from Arabic books, has been much insisted on, but seems not to bear at all on the question. We are commanded by Parliament to ascertain and digest the laws of India. The assistance of a Law Commission has been given to us for that purpose. As soon as the

Code is promulgated the Shasters and the Hedaya will be useless to a moonsiff or a sudder ameen. I hope and trust that, before the boys who are now entering at the Madrassa and the Sanskrit College have completed their studies, this great work will be finished. It would be manifestly absurd to educate the rising generation with a view to a state of things which we mean to alter before they reach manhood.

26. But there is yet another argument which seems even more untenable. It is said that Sanskrit and Arabic are the languages in which the sacred books of a hundred millions of people are written, and that they are on that account entitled to peculiar encouragement. Assuredly, it is the duty of the British Government in India to be not only tolerant, but neutral on all religious questions. But to encourage the study of a literature, admitted to be of small intrinsic value, only because that literature inculcates the most serious errors on the most important subjects, is a course hardly reconciliable with reason, with morality, or even with that very neutrality which ought, as we all agree, to be sacredly preserved. It is confessed that a language is barren of useful knowledge. We are to teach it because it is fruitful of monstrous superstitions. We are to teach false history, false astronomy, false medicine, because we find them in company with a false religion. We abstain, and I trust shall always abstain, from giving any public encouragement to those who are engaged in the work of converting the natives to Christianity. And while we act thus, can we reasonably or decently bribe men, out of the revenues of the State, to waste their youth in learning how they are to purify themselves after touching an ass or what texts of the Vedas they are to repeat to expiate the crime of killing a goat?

27. It is taken for granted by the advocates of Oriental learning that no native of this country can possibly attain more than a mere smattering of English. They do not attempt to prove this. But they perpetually insinuate it. They designate the education which their opponents recommend as a mere spelling-book education. They assume it as undeniable that the question is between a profound knowledge of Hindu and Arabian literature and science on the one side, and superficial knowledge of the rudiments of English on the other. This is not merely an assumption, but an assumption contrary to all reason and experience. We know that foreigners of all nations do learn our language sufficiently to have access to all the most abstruse knowledge which it contains sufficiently to relish even the more delicate graces of our most idiomatic writers. There are in this very town natives who are quite competent to discuss political or scientific questions with fluency and precision in the English language. I have heard the very question on

which I am now writing discussed by native gentlemen with a liberality and an intelligence which would do credit to any member of the Committee of Public Instruction. Indeed it is unusual to find, even in the literary circles of the Continent, any foreigner who can express himself in English with so much facility and correctness as we find in many Hindus. Nobody, I suppose, will contend that English is so difficult to a Hindu as Greek to an Englishman. Yet an intelligent English youth, in a much smaller number of years than your unfortunate pupils pass at the Sanskrit College, becomes able to read, to enjoy, and even to imitate not unhappily the compositions of the best Greek authors. Less than half the time which enables an English youth to read Herodotus and Sophocles ought to enable a Hindu to read Hume and Milton.

28. To sum up what I have said. I think it clear that we are not fettered by the Act of Parliament of 1813, that we are not fettered by any pledge expressed or implied, that we are free to employ our funds as we choose, that we ought to employ them in teaching what is best worth knowing, that English is better worth knowing than Sanskrit or Arabic, that the natives are desirous to be taught English, and are not desirous to be taught Sanskrit or Arabic, that neither as the languages of law nor as the languages of religion have the Sanskrit and Arabic any peculiar claim to our encouragement, that it is possible to make natives of this country thoroughly good English scholars, and that to this end our efforts ought to be directed.

29. In one point I fully agree with the gentlemen to whose general views I am opposed. I feel with them that it is impossible for us, with our limited means, to attempt to educate the body of the people. We must at present do our best to form a class who may be interpreters between us and the millions whom we govern—a class of persons Indian in blood and colour, but English in tastes, in opinions, in morals and in intellect. To that class we may leave it to refine the vernacular dialects of the country, to enrich those dialects with terms of science borrowed from the Western nomenclature, and to render them by degrees fit vehicles for conveying knowledge to the great mass of the population.

30. I would strictly respect all existing interests. I would deal even generously with all individuals who have had fair reason to expect a pecuniary provision. But I would strike at the root of the bad system which has hitherto been fostered by us. I would at once stop the printing of Arabic and Sanskrit books. I would abolish the Madrassa and the Sanskrit College at Calcutta. Benares is the great seat of Brahminical learning; Delhi of Arabic learning. If we retain the Sanskrit College at Benares and the Muhammadan College at Delhi, we do enough

and much more than enough, in my opinion, for the Eastern languages. If the Benares and Delhi Colleges should be retained, I would at least recommend that no stipends shall be given to any students who may hereafter repair thither, but that the people shall be left to make their own choice between the rival systems of education without being bribed by us to learn what they have no desire to know. The funds which would thus be placed at our disposal would enable us to give larger encouragement to the Hindu College at Calcutta, and establish in the principal cities throughout the Presidencies of Fort William and Agra schools in which the English language might be well and thoroughly taught.

31. If the decision of His Lordship in Council should be such as I anticipate, I shall enter on the performance of my duties with the greatest zeal and alacrity. If, on the other hand, it be the opinion of the Government that the present system ought to remain unchanged, I beg that I may be permitted to retire from the chair of the Committee. I feel that I could not be of the smallest use there. I feel also that I should be lending my countenance to what I firmly believe to be a mere delusion. I believe that the present system tends not to accelerate the progress of truth, but to delay the natural death of expiring errors. I conceive that we have at present no right to the respectable name of a Board of Public Instruction. We are a Board for wasting the public money, for printing books which are of less value than the paper on which they are printed was while it was blank—for giving artificial encouragement to absurd history, absurd metaphysics, absurd physics, absurd theology—for raising up a breed of scholars who find their scholarship an incumbrance and a blemish, who live on the public while they are receiving their education, and whose education is so utterly useless to them that, when they have received it, they must either starve or live on the public all the rest of their lives. Entertaining these opinions, I am naturally desirous to decline all share in the responsibility of a body which, unless it alters its whole mode of proceedings, I must consider, not merely as useless, but as positively noxious.

T. B. MACAULAY.

*2nd February, 1835.*

I give my entire concurrence to the sentiments expressed in this Minute.

W. C. BENTINCK.

*Source.*—(ii) Government Resolution, dated 7th March, 1835.

The Governor-General of India in Council has attentively considered the two letters from the Secretary to the Committee of Public Instruction, dated the 21st and 22nd January last, and the papers referred to in them.

1st—His Lordship in Council is of opinion that the great object of the British Government ought to be the promotion of European literature and science among the natives of India ; and that all the funds appropriated for the purpose of education would be best employed on English education alone.

2nd—But it is not the intention of his Lordship in Council to abolish any college or school of native learning, while the native population shall appear to be inclined to avail themselves of the advantages which it affords, and his Lordship in Council directs that all the existing professors and students at all the institutions under the superintendence of the Committee shall continue to receive their stipends. But his Lordship in Council decidedly objects to the practice which has hitherto prevailed of supporting the students during the period of their education. He conceives that the only effect of such a system can be to give artificial encouragement to branches of learning which in the natural course of things would be superseded by more useful studies ; and he directs that no stipend shall be given to any student that may hereafter enter at any of these institutions ; and that when any professor of Oriental learning shall vacate his situation, the Committee shall report to the Government the number and state of the class in order that the Government may be able to decide upon the expediency of appointing a successor.

3rd—It has come to the knowledge of the Governor-General in Council that a large sum has been expended by the Committee on the printing of Oriental works ; his Lordship in Council directs that no portion of the funds shall hereafter be so employed.

4th—His Lordship in Council directs that all the funds which these reforms will leave at the disposal of the Committee be henceforth employed in imparting to the native population a knowledge of English literature and science through the medium of the English language ; and his Lordship in Council requests the Committee to submit to Government, with all expedition, a plan for the accomplishment of this purpose.

Source.—(iii) Memorandum by Alexander Duff, reproduced in the "Life of Alexander Duff." Vol. I., pp. 200-3. G. Smith. (Hodder & Stoughton.)

What will be the effect of these yearly augmenting educational forces? We say ultimate with emphasis, because we are no visionaries. We do not expect miracles. We do not anticipate sudden and instantaneous changes. But we do look forward with confidence to a *great ultimate revolution*. We do regard Lord William Bentinck's Act as laying the foundation of a train of causes which may for a while operate so insensibly as to pass unnoticed by careless or casual observers, but not the less surely as concerns the great and momentous issue. Like the laws which silently, but with resistless power, regulate the movements of the material universe, these educational operations, which are of the nature and force of moral laws, will proceed onwards till they terminate in effecting a universal change in the national mind of India.

But highly as we approve of Lord W. Bentinck's enactment *so far as it goes*, we must, ere we conclude, in justice to our own views and to the highest and noblest cause on earth, take the liberty of strongly expressing our own honest conviction that *it does not go far enough*. Truth is better than error in any department of knowledge, the humblest as well as the most exalted. Hence it is that we admire the moral intrepidity of the man who decreed that, in the Government institutions of India, true literature and true science should henceforth be substituted in place of false literature, false science, and false religion. But while we rejoice that true literature and science is to be substituted in place of what is demonstrably false, we cannot but lament that no provision whatever has been made for substituting the only true religion—Christianity—in place of the false religion which our literature and science will inevitably demolish.

Our maxim has been, is now, and ever will be thus: *Wherever, whenever, and by whomsoever Christianity is sacrificed on the altar of worldly expediency, there and then must the supreme good of man lie bleeding at its base*. But because a Christian Government has chosen to neglect its duty towards the religion which it is sacredly bound to uphold, is that any reason why the churches of Britain should neglect their duty too? Let us be aroused, then, from our lethargy, and strive to accomplish our part. If we are wise in time, we may convert the act of the Indian Government into an ally and a friend. The extensive erection of a machinery for the destruction of ancient superstition we may regard as opening of new facilities, in the good providence of

God, for the spread of the everlasting gospel, as serving the part of a humble pioneer in clearing away a huge mass of rubbish that would otherwise have tended to impede the free dissemination of divine truth. Wherever a Government seminary is founded which shall have the effect of battering down idolatry and superstition there let us be prepared to plant a Christian institution that shall, through the blessing of Heaven, be the instrument of rearing the bounteous superstructure of Christianity on the ruins of both.

Already has the Church of Scotland hotly entered upon the great field ; but let her remember that she has only crossed the border. Already has she taken up a bold and commanding position in front of the enemy ; but let her not forget that the warfare is only begun. Let her arise, and in the name of the Lord march forward to take possession of the land. Already has she given evidence of the possibility, and an example of turning the Government schemes of education to profitable account. Where the Government has established its first English<sup>1</sup> college there did she station her first missionaries and plant her first Christian institution.<sup>2</sup> And some of the most talented young men in the Government College became, through the grace of the Divine Spirit, her first converts, the first-fruits of her missionary labours in Hindustan.

The die had now been cast, and the cause of western learning had triumphed. After much searching of heart and deliberation the British rulers in India had decided on a great departure from their accepted policy to interfere as little as possible with the social development of the people. They had resolved to introduce a system of education which was based on a study of western thought and ideas and, as a corollary to this decision, they were of the opinion that this instruction should be imparted, in the main, through the medium of an alien language and very often by teachers of an alien race. It was, indeed, a hazardous experiment, fraught with dangerous possibilities. It is scarcely possible to exaggerate its importance. Lord Morley has given his opinion that the establishment of universities was a far more momentous event and one almost deeper than the transfer of the Crown. There is no department to-day in

<sup>1</sup> Hindu College.

<sup>2</sup> Now the Scottish Churches College.

Indian administration which causes more discussion and arouses such feelings of controversy as the subject of education. The number of questions and resolutions put forward before the imperial and provincial councils, the speeches delivered at public meetings, the letters, articles and contributions in the public press bear eloquent testimony to the interest taken by the Indian community in the educational policy of its Government. Many years back, Sir Henry Maine uttered these words : "The thing must be seen to be believed, and I don't know which is the more astounding, the more striking, the multitude of the students who, if not now, will soon be counted, not by the hundred but by the thousand, or the keenness and eagerness they displayed. For my part, I do not think anything of the kind has been seen by any European university since the Middle Ages, and I doubt whether there is anything founded by or connected with the British Government in India which excites so much practical interest in Indian households of the better class, from Calcutta to Lahore, as the examinations of the University."

Few can pretend to be oblivious of the dangers that might attend this great departure. Already there were men of experience who detected evils that might come in the train of western education and who were nervous of political discontent among educated Indians, as a result of the new departure in educational policy. Lord Metcalfe combated these views in the following memorandum :—

#### Western Learning and Political Discontent

*Source.*—Minute of Sir C. Metcalfe, dated May 16, 1835.  
(Parliamentary Papers.)

His lordship,<sup>1</sup> however, sees further danger in the spread of knowledge and the operations of the Press. I do not, for my own part, anticipate danger as a certain consequence from these causes. I see so much danger in the ignorance, fanaticism and barbarism of our subjects that I rest on the spread of knowledge some hope of greater strength and security. Then will he better be able to appreciate the good and evil of our rule ; and if the good

<sup>1</sup> Lord William Bentinck.

predominate, they will know that they may lose by a change. Without reckoning on the affection of any, it seems probable that those of the natives who would most deprecate and least promote our overthrow, would be the best-informed and most enlightened among them, unless they had themselves, individually, ambitious dreams of power. If, however, the extension of knowledge is to be a new sense of danger—and I will not pretend confidently to predict the contrary—it is one altogether unavoidable. It is our duty to extend knowledge whatever may be the result; and spread it would even if we impeded it. The time is passed when the operations of the Press could be effectually resisted, even if that course would be any source of safety, which must be very doubtful. Nothing so precarious could in prudence be trusted to. If, therefore, increase of danger is really to be apprehended from increase of knowledge, it is what we must cheerfully submit to. We must not try to avert it, and if we did we should fail.

It is possible, as pointed out by Mr. H. R. James, that English education in India owes more to the organising capacity of Macaulay than to his celebrated minute. The Committee, now released from the conflict of opinions as to its correct educational policy, worked with astonishing energy. Two important questions still demanded attention, the position of the vernaculars in an English-teaching school, and to what classes of the community the benefits of an English education should be given. On the first point, the Committee realised that as yet "the vernacular languages contained neither the literary nor scientific information necessary for a liberal education," but at the same time held that the formation of a vernacular literature was the ultimate object of their efforts. In regard to the second problem, the Committee laid down that boys of every caste should be admitted to the new institutions without distinction, but, in practice, they adopted what has been termed "the filtration process" of knowledge. Education was to be confined at first almost entirely to the upper and middle classes, in the hopes that they, as the natural leaders of the people, would spread their knowledge among the masses.

### The Organisation of the New System

*Source.*—The first Annual Report of the Committee of Education. Reproduced in Trevelyan's "Education of the People of India," pp. 23-5, 47-9. (Longmans.)

We are deeply sensible of the importance of encouraging the cultivation of the vernacular languages. We do not conceive that the order of the 7th of March precludes us from doing this, and we have constantly acted on this construction. In the discussions which preceded that order, the claims of the vernacular languages were broadly and prominently admitted by all parties, and the question submitted for the decision of Government only concerned the relative advantage of teaching English on the one side, and the learned Eastern languages on the other. We therefore conceive that the phrases "European literature and science," "English education alone," and "imparting to the native population a knowledge of English literature and science through the medium of the English language," are intended merely to secure the preference to European learning taught through the medium of the English language, over Oriental learning taught through the medium of the Sanskrit and Arabic languages, as regards the instruction of those natives who receive a learned education at our seminaries. These expressions have, as we understand them, no reference to the question through what ulterior medium such instruction as the mass of the people is capable of receiving, is to be conveyed. If English had been rejected, and the learned Eastern languages adopted, the people must equally have received this knowledge through the vernacular dialects. It was therefore quite unnecessary for the Government in deciding the question between the rival languages to take any notice of the vernacular tongues, and consequently we have thought that nothing could reasonably be inferred from its omission to take such notice.

We conceive the formation of a vernacular literature to be the ultimate object to which all our efforts must be directed. At present, the extensive cultivation of some foreign language, which is always very improving to the mind, is rendered indispensable by the almost fatal absence of a vernacular literature, and the consequent impossibility of obtaining a tolerable education from that source only. The study of English, to which many circumstances induce the natives to give the preference, and with it the knowledge of the learning of the West, is therefore daily spreading. This, as it appears to us, is the first stage in the process by which India is to be enlightened. The natives must learn before they can teach. The best educated among them must be placed in possession of our knowledge before they can

transfer it into their own language. We trust that the number of such translations will multiply every year. As the superiority of European learning becomes more generally appreciated, the demand for them will no doubt increase, and we shall be able to encourage any good books which may be brought out in the native languages by adopting them extensively in our seminaries.

A teacher of the vernacular language of the province is already attached to several of our institutions, and we look to this plan soon becoming general. We have also endeavoured to secure the means of judging for ourselves of the degree of attention which is paid to this important branch of instruction, by requiring that the best translations for English into the vernacular language, and vice versa, should be sent to us after each annual examination, and if they seem to deserve it, a pecuniary prize is awarded by us to the authors of them.

\* \* \* \* \*

The object of the Committee is to fill the minds of the liberally educated portion of the people with the knowledge of Europe, in order that they may interpret it in their own language to the rest of their countrymen. For this purpose, while on the one hand the pupils are encouraged to acquire the various kinds of information which English literature contains, and to form their taste after the best English models ; on the other, every endeavour is used to give them the habit of writing with facility and elegance in their native language.

The Committee's first desire is to establish a seminary based on these principles at each zillah station. The large towns always take the lead in the march of improvement : the class of people whose circumstances give them leisure to study to good purpose, and influence to make their example followed, are congregated there in greater numbers than elsewhere. Even the proprietors residing on their estates in the district keep up a close connection with their provincial capitals, where they have generally town houses and resident agents. The subordinate officers of Government are selected and sent from thence to exercise their functions in the surrounding country. The European functionaries are present there to exercise a general superintendence over the seminaries, and to assist the teachers with their countenance and experience. By purifying the circulation through these vital organs, the whole system will be reinvigorated ; the rich, the learned, the men of business will first be gained ; a new class of teachers will be trained ; books in the vernacular language will be multiplied ; and with these accumulated means we shall in due time proceed to extend our

operations from town to country, from the few to the many, until every hamlet shall be provided with its elementary school. The poor man is not less the object of the Committee's solicitude than the rich ; but, while the means at their disposal were extremely limited, there were millions of all classes to be educated. It was absolutely necessary to make a selection, and they therefore selected the upper and middle classes as the first object of their attention, because, by educating them first, they would soonest be able to extend the same advantages to the rest of the people. They will be our schoolmasters, translators, authors ; none of which functions the poor man, with his scanty stock of knowledge, is able to perform. *They are the leaders of the people.* By adopting them first into our system we shall be able to proceed a few years hence with an abundant supply of proper books and instructors, and with all the wealth and influence of the country on our side, to establish a general system of education which shall afford to every person of every rank the means of acquiring that degree of knowledge which his leisure will permit.

With such a spirit animating the policy of the educational authorities it was only natural that the needs of the masses were overlooked at first. The "filtration policy" can only succeed, if at all, after long and weary years of waiting. As far back as the year 1835 Mr. Adam, a missionary of great industry and knowledge of the people and their ways of life, approached Lord William Bentinck on the subject of vernacular education which was imparted by Indian agency. The portion of his report which is reproduced below shows only too clearly the miserable condition of these schools. The suggestions submitted by Mr. Adam for their improvement were considered "almost impracticable" and too expensive by the Council of Education whose members hoped that the improvement of education among the upper and middle classes would react favourably on the rural vernacular schools and would in time bring about the desired result. It was not until 1845 when Mr. Thomason, the Lieutenant-Governor of the North-Western Provinces, took up the question and issued the necessary orders to the district officials that any real progress was made in this direction.

### Vernacular Education

#### *A Vernacular Curriculum*

*Source.*—“Reports of Vernacular Education,” by W. Adam.  
(Calcutta Government Press.)

The teachers depend entirely upon their scholars for subsistence, and being little respected and poorly rewarded, there is no encouragement for persons of character, talent, or learning to engage in the occupation. These schools are generally held in the houses of some of the most respectable native inhabitants or very near them. All the children of the family are educated in the vernacular language of the country, and in order to increase the emoluments of the teachers they are allowed to introduce, as pupils, as many respectable children as they can produce in the neighbourhood. The scholars begin with tracing the vowels and consonants with the finger on a sand-board and afterwards on the floor with a pencil; and this exercise is continued for eight or ten days. They are next instructed to write on the palm leaf with a reed pen held in the fist, not with the fingers, and with ink made of charcoal, which rubs out, joining vowels to the consonants, forming compound letters, syllables and words, and learning tables of numeration, money, weight and measure, and the correct mode of writing the distinctive names of persons, castes, and places. This is continued about a year. The scholars are next advanced to a study of arithmetic and the use of the plantain leaf in writing with ink made of lamp-black, which is continued about six months, during which they are taught addition, subtraction, multiplication, and division, together with the modes of address proper in writing letters to different persons. It may be safely affirmed that in no instance whatever is the orthography of the language of the country acquired in these schools, for although in some of them two or three of the more advanced boys write out small portions of the most popular poetical compositions of the country, yet the manuscript copy itself is so inaccessible that they only become confirmed in the most vitiated manner of spelling, which the imperfect qualifications of the teacher do not enable him to correct.

### Discipline in a Vernacular School

*Source.*—Calcutta Review. Vol. IV., p. 334.

*Methods of Punishment.*—A boy is made to bend forward with his face towards the ground; a heavy brick is then placed on his back, and another on his neck; and should he

let either of them fall, within the prescribed period of half an hour, he is punished with the cane.

A boy is condemned to stand for half an hour on one foot ; and, should he shake or quiver or let down the uplifted leg before the time, he is severely punished.

A boy is made to hang for a few minutes with his head downwards, from the branch of a neighbouring tree.

Nettles, dipped in water, are applied to the body, which becomes irritated and swollen ; the pain is excruciating and often lasts a whole day ; but, however great the itching and the pain, the sufferer is not allowed to rub or touch the skin for relief, under the dread of a flagellation in addition.

A boy is put up in a sack along with some nettles, or a cat, or some other noisome creature, and then rolled along the ground.

A boy is constrained to pull his own ears ; and if he fail to extend them sufficiently, he is visited with a sorer chastisement.

*Tricks played on the Schoolmaster.*

In preparing his hookah, it is a common trick for the boys to mix the tobacco with chillies and other pungent ingredients ; so that when he smokes he is made to cough violently, while the whole school is convulsed with laughter ; or, beneath the mat on which he sits, may be strewn thorns and sharp prickles, which soon display their effects in the contortions of the crest-fallen and discomfited master ; or, at night he is waylaid by his pupils, who pelt him with pebbles, bricks, or stones ; or they rehearse doggerel songs, in which they implore the gods, and more particularly Karli, to remove him by death, vowing, in the event of their prayer being heard, to present offerings of sugar and cocoanut.

The educational policy of the last sixty years was laid down in the famous despatch of 1854, which was submitted through Sir Charles Wood,<sup>1</sup> then President of the Board of Control, to the Government in India. The object of the despatch was to extend European knowledge throughout all classes of the people, by means of the English language in the higher branches of instruction, and by that of the vernacular languages of India to the great mass of the people. This instruction was to be administered by Departments of Public Instruction. Universities were to be established for the encouragment of higher learning. And by the grant-in-aid system private exertions and private

<sup>1</sup> Afterwards Lord Halifax.

liberality were to be utilised to the fullest extent. The Directors fully realised the necessity of increased expenditure, but were confident that any expense incurred would be "amply repaid by the improvement of the country ; for the general diffusion of knowledge is inseparably followed by more orderly habits, by increasing industry, by a taste for the comforts of life, by exertion to acquire them, and by the growing prosperity of the people."

#### A Statement of Educational Policy

*Source.*—Despatch from the Court of Directors to the Governor-General in Council. 1854. "Selections from the Records of the Government of India." (Government Press, Calcutta.)

**§ 9. Oriental Languages.**—We are not unaware of the success of many distinguished Oriental scholars in their praiseworthy endeavours to ingraft upon portions of Hindu philosophy the germs of sounder morals and of more advanced science ; and we are far from underrating the good effect which has thus been produced upon the learned classes of India in their different spheres of life. To attain this end it is necessary, for the reasons which we have given above, that they should be made familiar with the works of European authors, and with the results of the thought and labour of Europeans on the subjects of every description upon which knowledge is to be imparted to them ; and to extend the means of imparting this knowledge must be the *object* of any general system of education.

**§ 13. Medium of Instruction—The Vernaculars.**—It is neither our aim nor desire to substitute the English language for the vernacular dialects of the country. We have always been most sensible of the importance of the use of the languages which alone are understood by the great mass of the population. These languages, and not English, have been put by us in the place of Persian in the administration of justice and in the intercourse between the officers of Government and the people. It is indispensable, therefore, that in any general system of education, the study of them should be assiduously attended to, and any acquaintance with improved European knowledge which is to be communicated to the great mass of the people can only be conveyed to them through one or other of these vernacular languages.

**§§ 17 and 18.—Educational Administration.**—We have determined to create an Educational Department as a portion of the machinery of our Governments in the several presidencies

of India. We accordingly propose that an officer shall be appointed for each presidency and Lieutenant-Governorship, who shall be specially charged with the management of the business concerned with education, and be immediately responsible to Government for its conduct. An adequate system of inspection will also, for the future, become an essential part of our educational system; and we desire that a sufficient number of inspectors be appointed.

**§ 25. Universities.**—The Council of Education, in the proposal to which we have alluded, took the London University as their model; and we agree with them that the form, government, and functions of the University are the best adapted to the wants of India, and may be followed with advantage, although some variation will be necessary in points of detail.

**§§ 41 and 42. Education of the Masses.**—Our attention should now be directed to a consideration, if possible, still more important, and one which has been hitherto, we are bound to admit, too much neglected, namely, how useful and practical knowledge, suited to every station in life, may be best conveyed to the great mass of the people, who are utterly incapable of obtaining any education worthy of the name by their own unaided efforts, and we desire to see the active measures of Government more especially directed, for the future, to this object, for the attainment of which we are ready to sanction a considerable increase of expenditure.

Schools—whose object should be not to train highly a few youths, but to provide more opportunities than now exist for the acquisition of such an improved education as will make those that possess it more useful members of society in every condition of life—should exist in every district in India. These schools should be subject to constant and careful inspection; and their pupils might be encouraged by scholarships being instituted at other institutions which would be tenable as rewards for merit by the best of their number.

**§§ 51 and 52. Grants-in-Aid.**—The consideration of the impossibility of Government alone doing all that must be done in order to provide adequate means for the education of the natives of India, and of the ready assistance which may be derived from efforts which have hitherto received but little encouragement from the State, has led us to the natural conclusion that the most effectual method of providing for the wants of India in this respect will be to continue with the agency of the Government the aid which may be derived from the exertions and liberality of the educated and wealthy natives of India and of other benevolent persons.

We have, therefore, resolved to adopt in India the system of grants-in-aid which have been carried out in this country with very great success ; and we confidently anticipate by thus drawing support from local resources in addition to contributions from the State, a far more rapid progress of education than would follow a mere increase of expenditure by the Government ; while it possesses the additional advantage of fostering a spirit of reliance upon local exertions and combination for local purposes, which is of itself of no mean importance to the well-being of a nation.

**§ 83. Female Education.**—The importance of female education in India cannot be overrated ; and we have observed with pleasure the evidence which is now afforded of an increased desire on the part of many of the natives of India to give a good education to their daughters. By this means a far greater proportional impulse is imparted to the educational and moral tone of the people than by the education of men. We have already observed that schools for females are included among those to which grants-in-aid may be given ; and we cannot refrain from expressing our cordial sympathy with the efforts which are being made in this direction.

**§ 84. Religion.**—Considerable misapprehension appears to exist as to our views with respect to religious instruction in the Government institutions. These institutions were founded for the benefit of the whole population of India ; and, in order to effect their object, it was, and is, indispensable that the education conveyed in them should be exclusively secular. The Bible is, we understand, placed in the libraries of the colleges and schools, and the pupils are able freely to consult it. This is as it should be ; and, moreover, we have no desire to prevent, or discourage, any explanations which the pupils may, of their own free will, ask from their masters upon the subject of the Christian religion, provided that such information be given out of school hours. Such instruction being entirely voluntary on both sides, it is necessary, in order to prevent the slightest suspicion of an intention on our part to make use of the influence of Government for the purpose of proselytism that no notice shall be taken of it by the inspectors in their periodical visits.

## CHAPTER VII

### THE FREEDOM OF THE PRESS

IT was natural that with the introduction of Western learning and ideas of thought the public press should play a large part in Indian life. As to how far the press should be controlled by Government was, and is, a matter on which there is a wide difference of opinion. The first Indian newspaper, known as *Hickey's Gazette*, was published as early as in 1781. According to Mr. Sutherland's evidence before the Select Committee in 1832, the press was "violent, and even scurrilous in the extreme in its attacks on public men," but no further restrictions on the liberty of the press beyond those imposed by the law of England were considered necessary. The control over the Indian press was first established by the Marquess of Wellesley during the critical years of the war with France.<sup>1</sup> "The first regulations restrained the press from publishing any general orders or naval intelligence, and the arrival or departure of ships. It was designed to protect the commercial interests and those of the State from our enemies. The Indian seas were at this period crowded with French privateers; and it was discovered that the shipping intelligence, inserted to gratify the curiosity of the readers of newspapers, was sent to every point where it could reach the commanders of these vessels, whom it often enabled to intercept merchantmen, and to avoid the British cruisers." In 1823, Mr. Adam, who succeeded Lord Hastings temporarily as Governor-General, introduced stringent regulations for the control of the press. Every paper had to be published under a licence from Government which could be revoked at pleasure, with or without inquiry or notice. It was the

<sup>1</sup> Evidence of Mr. Warden, Member of Council at Bombay, before Select Committee, dated April 30, 1832.

duty of a Secretary to Government to delete "undesirable" criticisms of Government policy. Mr. Warden, who performed this difficult task in Bombay for a period of fifteen years, was reprimanded on one occasion by Lord Wellesley for allowing the appointment of Lord Cornwallis as Governor-General to appear in the papers on the plea that important negotiations might have been defeated by a premature disclosure of the impending change of rulers. He added that it was often his lot, when he had repaired on a Friday morning "to the adjoining island of Salseete for a little relaxation from the fatigues of office," to be recalled to Bombay for the purpose of deleting speeches delivered in the House of Commons which were too critical of the policy adopted by the ruling authorities in India. That Government did not shrink from inflicting the most drastic punishments is clear from the following correspondence.

#### Strict Control over the Press

*Source.*—Minutes of Evidence before Select Committee, 1832.

(i)

To Mr. William Adam and Mr. Villiers Holcrofts,  
Proprietors of the *Calcutta Chronicle*.

General Department.

COUNCIL CHAMBER, 31st May, 1827.

GENTLEMEN,—

The general tenor of the contents of the *Calcutta Chronicle* having been for some time past highly disrespectful to the Government and the Honourable the Court of Directors, and that paper of the 29th instant in particular, comprising several paragraphs in direct violation of the Regulations regarding the press, I am directed to inform you that the Right Honourable the Vice-President in Council has resolved that the licence granted to you on the 25th January last for the printing and publishing of the *Calcutta Chronicle* be cancelled, and it is hereby cancelled accordingly from the present date.

I am, gentlemen, your obedient servant,

C. LUSHINGTON,  
Chief Secretary to Government.

The unfortunate proprietors in reply asked Government to indicate the particular articles that had brought upon

them this heavy expression of displeasure and urged that no direct warning whatever had been given.

(ii)

General Department.

SIR,—

COUNCIL CHAMBER, 1st June, 1827.

Your letter of yesterday's date having been laid before Government, I am directed to inform you that the Right Honourable the Vice-President in Council does not think it necessary to make any more specific reference to the objectionable passages contained in the *Calcutta Chronicle* of the 29th ultimo than was done in my communication of yesterday.

2. I am desired to add that the remainder of your letter requires no other reply than that the warnings publicly given to other editors were sufficient for your information, and that Government does not see fit to accede to your publication permission to continue the publication of the *Calcutta Chronicle*.

I am, sir, your obedient servant,

C. LUSHINGTON.

Chief Secretary to Government.

The action of Government in the case of the *Calcutta Chronicle* and other papers was high-handed to a degree, but at the same time a control over the press was necessary in those days and was advocated by such liberal-minded statesmen as Mountstuart Elphinstone, who deported Mr. Fair, the editor of the *Bombay Gazette*, and Sir Thomas Munro. The latter urged that a free press would tend to frustrate improvement and might easily result in a general revolt of the army, which would be joined by the great body of the people.

#### Dangers of a Free Press in India

Source.—(i) Evidence of Mountstuart Elphinstone before the Select Committee. Dated August 5, 1832.

If the press be free we shall be in a predicament such as no State has yet experienced. In other countries, the use of the press has gradually extended along with the improvement of the country, and the intelligence of the people; but we shall have to contend at once with the more refined theories of Europe, and with the prejudices and fanaticism of Asia, both rendered doubly formidable by the imperfect education of those to whom

every appeal will be addressed. Is it possible that a foreign Government, avowedly maintained by the sword, can long keep its ground in such circumstances?

*Source.*—(ii) “Memoir of Sir Thomas Munro.” Dated 12th April, 1822.

I cannot view the question of a free press in this country without feeling that the tenure with which we hold our power never has been and never can be the liberties of the people. I therefore consider it as essential to the tranquillity of the people and the maintenance of our Government, that all the present restrictions should be continued. Were the people all our own countrymen, I would prefer the utmost freedom of the press, but as they are not, nothing could be more dangerous than such freedom. In place of spreading useful knowledge among the people, and tending to their better government, it would generate insubordination, insurrection, and anarchy. . . . A free press and the domination of strangers are things which are quite incompatible, and which cannot long exist together. For what is the first duty of a free press? It is to deliver the country from a foreign yoke, and to sacrifice to this one great object every meaner consideration; and if we make the press really free to the natives as well as to Europeans, it must inevitably lead to this result.

The advocates of a free press seek, they say, the improvement of our system of Indian Government, and of the minds and the condition of the natives; but these desirable ends are, I am convinced, quite unattainable by the means they propose. There are two important points which should always be kept in view in our administration of affairs here. The first is, that our sovereignty should be prolonged to the remotest possible period; the second is, that whenever we are obliged to resign it, we should leave the natives so far improved from their connection with us as to be capable of maintaining a free, or at least a regular, government among themselves. If these objects can ever be accomplished, it can only be under a restricted press. A free one, so far from facilitating, would render their attainment utterly impracticable; for by attempting to precipitate improvement it would frustrate all the benefits which might have been derived from a more cautious and temperate proceeding.

Such restrictions as those proposed will not hinder the progress of knowledge among the natives, but rather insure it, by leaving it to follow its natural course, and protecting it against military violence and anarchy. Its natural course is not the circulation of newspapers and pamphlets among the natives immediately connected with Europeans, but education gradually spreading among the body of the people, and diffusing moral

and religious instruction through every class of the community. The desire of independence and of governing themselves, which in every country follows the progress of knowledge, ought to spring up and become general among the people before it reaches the army ; and there can be no doubt that it will become general in India, if we do not prevent it by ill-judged precipitation in seeking to effect in a few years changes which must be the work of generations. By mild and equitable government, by promoting the dissemination of useful books among the natives without attacking their religions, by protecting their own numerous schools, by encouraging by honorary or pecuniary marks of distinction those where the best system of education prevails, by occasional allowances from the public revenue to such as stand in need of this aid ; and, above all, by making it worth the while of the natives to cultivate their minds, by giving them a greater share in the civil administration of the country, and holding out the prospect of filling places of rank and emolument as inducements to the attainment of knowledge, we shall by degrees banish superstition and introduce among the natives of India all the enlightened opinions and doctrines which prevail in our own country.

If we take the contrary course—if we, for the sole benefit of a few European editors of newspapers, permit a licentious press to undermine among the natives all respect for the European character and authority, we shall scatter the seeds of discontent among our native troops, and never be secure from insurrection. It is not necessary for this purpose that they should be more intelligent than they are at present, or should have acquired any knowledge of the rights of men or nations. All that is necessary is that they should have lost their present high respect for their officers and the European character ; and whenever this happens, they will rise against us, not for the sake of obtaining the liberty of their country, but of obtaining power and plunder. We are trying an experiment, never yet tried in the world—maintaining a foreign dominion by means of a native army, and teaching that army, through a free press, that they ought to expel us and deliver their country. It is only as regards the natives that the press can be viewed with apprehension, and it is only when it comes to agitate our native army that its terrible effects will be felt. Many people will probably go on admiring the efforts of the Indian press, and fondly anticipating the rapid extension of knowledge among the natives, while a tremendous revolution, originating in this very press, is preparing, which will, by the premature and violent overthrow of our power, disappoint all these hopes, and throw India back into a state more hopeless of improvement than when we first found her.

In view of the above remarks it may be of interest to insert an official return of the newspapers published in the three important centres of population at that time.

**The Press of India in the beginning of the year 1831**

*Source.*—Evidence of James Sutherland before the Select Committee of 1832.

Calcutta.

| Daily :—  | English Newspapers.                                  | Publisher.            |
|---|--|-----------------------|
|   | The Bengal Hurkuru and Chronicle                     | Samuel Smith & Co.    |
|   | The John Bull  | Geo. Pritchard.       |
|   | The India Gazette                                    | J. B. Scott & Co.     |
| Tri-weekly editions of the daily papers of the same name :— |  |                       |
|   | The India Gazette                                    | J. B. Scott & Co.     |
|   | The Bengal Chronicle.                                | Samuel Smith & Co.    |
| Twice a week :—   |  |                       |
|   | The Government Gazette                               | G. H. Hutman.         |
|   | The Bengal Herald                                    | Samuel Smith & Co.    |
|   | The Calcutta Library Gazette                         | Samuel Smith & Co.    |
|   | The Oriental Observer                                | Geo. Pritchard.       |
| Native Newspapers :—  |  |                       |
|   | The Janri Jehan Numa                                 | Hurryhar Dutt.        |
|   | The Summachar Chunduca                               | Bhowanichum Bannerjee |
|   | The Sunhad Tuneer Nussuk                             | Kistomohan Doss.      |
|   | The Bunga Doot                                       | Bholonath Sen.        |
|   | The Sunbad Coumoody                                  | Gobind Chatterjee.    |
| Monthly publications :—                                     |  |                       |
|   | The Calcutta Magazine                                | Samuel Smith & Co.    |
|   | The Gleanings of Science                             | W. Thacker & Co.      |
|   | The Kaleidoscope                                     | J. J. Fleury.         |
|   | The Christian Intelligences                          | Church Mission Press. |
| Quarterly :—  |  |                       |
|   | The Bengal Army Lists                                | Samuel Smith & Co.    |
|   | The Army List H.M. Forces in India                   | Samuel Smith & Co.    |
|   | The Calcutta Quarterly Register                      | J. B. Scott & Co.     |
| Yearly :—   |  |                       |
|   | The Bengal Annual                                    | Samuel Smith & Co.    |
|   | The Bengal Souvenir                                  | Samuel Smith & Co.    |
|   | The Bengal Almanack                                  | Samuel Smith & Co.    |
|   | The Companion and Appendix to<br>The Bengal Almanack | Samuel Smith & Co.    |
|   | The Bengal Directory                                 | Samuel Smith & Co.    |
|   | The Calcutta Directory                               | J. B. Scott & Co.     |
| There were three English newspapers published in Madras :   |  |                       |

The Government Gazette, the Madras Gazette, and the Madras Courier. At Bombay, there were two, the Daily Gazette and the Courier.

The daily circulation of the Hurkuru was about eight hundred, and the price was seven annas. In Bengal Lord William Bentinck made a very considerable reduction in the postal charges. There were two fixed rates; two annas to all places within a certain limit, and four annas to all places beyond that limit. In Madras and Bombay the rates were still very heavy. The postage of a paper from Madras to Calcutta, for example, was one rupee, fourteen annas.

The stringency of Mr. Adam's press ordinance and the thoroughness with which its regulations were carried out evoked considerable indignation amongst both the English and the Indian public. Ram Mohan Roy took the lead in voicing the protests of the latter and, in the interests of the vernacular press, submitted a memorial, a summary of which is given below.

#### The Benefits of a Free Press

*Source.*—Summary of Ram Mohan Roy's Memorial, reproduced in S. D. Collet's "Life and Letters of Raja Ram Mohan Roy." (Harold Collet.)

The memorial sets out the loyalty and attachment of the natives to British rule. They had trusted the Government with millions of their money. Relying on the Government, the landlords had improved, instead of impoverishing, as formerly, their estates. They had prayed for British victory during the Napoleonic wars. They rejoiced in the literary and political improvements due to British influence. They were most loyal in Calcutta where British sway was best known. Possessing the same civil and religious liberty along with a lighter taxation, they were not inferior in loyalty to British-born subjects. Among the institutions which tended to improve the minds and ameliorate the condition of the natives was the native press and chiefly the newspaper press with its four native newspapers—two in Persian, two in Bengali. These journals had done nothing to disparage the Government or to promote dissension. "Native authors and editors have always restrained themselves" from publishing matter obnoxious to Government. Yet the Ordinance had been issued requiring a licence revokable at pleasure for all newspapers.

The memorial goes on to show that "a complete stop" in

the diffusion of knowledge of a certain kind would result from the new Ordinance. The better-informed natives will be prevented from instructing the people in the admirable system of British Government. Natives will be precluded from acquainting the Government with the errors and injustice which its executive officers may commit in various parts of the country. After this deprivation of a right which they had not abused, the natives could no longer be justified in boasting of the privilege of British protection. But surely the British Government will not follow the precedent of Asiatic despotism in hoping to preserve power by keeping the people in darkness. Experience proves that a good Government grows stronger as its subjects become more enlightened. Every good ruler, aware of human imperfection and amenable to reverence for the Eternal Governor, must be conscious of the liability to error involved in managing a great Empire and of the need of ready means of ascertaining, consequent grievances. But the only effectual means is "unrestrained liberty of publication," subject to the regular law of the land.

The memorial referred to above was submitted to the Supreme Court, but without success, and therefore a second,<sup>1</sup> which was also prepared by Mohan Roy, was placed before the King in Council. The Government of the day decided that it would be unwise to alter the new arrangements which had lately been put into force by Mr. Adam, but, as the years passed, the stringency with which the law had been administered was considerably relaxed.

In spite of the bitter attacks in the public press, which were directed against his civil and military reforms, Lord William Bentinck considered the press "an auxiliary to good government" and desired to give it as much latitude as possible. Though the policy of Government was carried out on these principles, the legal restrictions still remained in force. Sir Charles Metcalfe therefore decided to repeal the press regulations and granted a large measure of freedom to the expression of public opinion. As a necessary precaution he arranged that every book or paper should bear the name of the printer and publisher, who would be liable to a fine or imprisonment for all violations of the law. By this means liberty was combined with a sense of responsibility. For this action Bentinck was the recipient of a eulogistic

<sup>1</sup> "The English Works of Raja Ram Mohan Roy," p. 445; published by the Panini Office.

address in which it was stated that his action in the matter was "one among other recent proofs that the Government of India is wisely and safely entrusted to those who are intimately acquainted with the course of its administration, and with the manners, opinions, and feelings of its people."

In his reply, which is given below, Metcalfe explained the nature of the new Act and the motives for its introduction.

### The Freedom of the Press

*Source.*—“Life of Lord Metcalfe.” Vol. II., pp. 262-4.  
J. W. Kaye. (Richard Bentley.)

If the argument be, that the spread of knowledge may eventually be fatal to our rule in India, I maintain that, whatever may be the consequence, it is our duty to communicate the benefits of knowledge. If India could only be preserved as a part of the British Empire, by keeping its inhabitants in a state of ignorance, our domination would be a curse to the country, and ought to cease.

But I see more ground for just apprehension in ignorance itself. I look to the increase of knowledge with a hope that it may strengthen our Empire; that it may remove prejudices, soften asperities, and institute a rational conviction of the benefits of our government; that it may unite the people and their rulers in sympathy, and that the differences which separate them may be gradually lessened and ultimately annihilated. Whatever, however, be the will of Almighty Providence respecting the future government of India it is clearly our duty, as long as the charge be confided to our hands, to execute the trust to the best of our ability for the good of the people. The promotion of knowledge, of which the liberty of the Press is one of the most efficient instruments, is manifestly an essential part of that duty. It cannot be that we are permitted by Divine authority to be here merely to collect the revenues of the country, pay the establishments necessary to keep possession, and get into debt to supply the deficiency. We are, doubtless, here for higher purposes, one of which is to pour the enlightened knowledge and civilisation, the arts and sciences of Europe over the land, and thereby improve the condition of the people. Nothing, surely, is more likely to conduce to these ends than the liberty of the Press.

\* \* \* \* \*

In addition to the motives which must have existed, on general principles, for giving the fullest freedom, there were

circumstances in the state of the Press in India which rendered the measure now proposed almost unavoidable. The Press has been practically free for many years, including the whole period of the administration of the late Governor-General, Lord William Bentinck ; and although laws of restriction existed in Bengal which gave awful power to the Government, they had ceased to operate for any practical purpose. They were extremely odious. They gave to the Government arbitrary power, which British subjects in any part of the world detest. No Government could now have carried them into effect without setting universal opinion at defiance. After the liberty given by Lord William Bentinck's forbearance, no Government could have ventured to enforce these laws unless it had been-gifted with a most hardy insensibility to ridicule and obloquy. Even supposing these to be good, they were utterly useless ; and as they brought necessary odium on the Government, it would have been absurd longer to retain them.

In speaking of those laws, I cannot refrain from adverting to the individual<sup>1</sup> who, having been at the head of the Government when they were passed, bears all the blame of being their author. He was one of the best and purest and most benevolent men that ever lived. In proposing those laws he must have been actuated, as he always was, by the most upright and conscientious motives. Had he been now alive, and at the head of this Government, he would probably have been among the foremost to propose the abolition of those laws which he formerly thought necessary, but would now have seen to be useless and odious. To what a degree popular opinion prevails against them cannot be more strikingly shown than by the detraction which they have brought on the memory of one who was eminently deserving of all praise, distinguished by great talents and the most important public services, the soul of honour and virtue, admired, beloved, revered by all who knew him, but condemned by the public, who knew him not, solely on account of these laws which they abhor.

In the Bengal and Agra Presidencies, the question was, whether these laws should be retained or abolished ; laws, be it observed, too unpopular to be executed, and whose practice had in every respect become obsolete. In the provinces subordinate to Bombay there was the same question ; but that was not the question in other parts of India. The question then was, shall such laws be introduced where they have not been known ? Shall odious restrictions be imposed where there is already perfect freedom ? Shall despotic power be substituted in the place of law, or shall liberty be restrained even by law ?

<sup>1</sup> John Adam.

At Madras there was no local law, and there was no means of making any person responsible for what was published. At the Presidency of Bombay there was a law already existing, as free as that now proposed for all India. At Madras and Bombay to have made any law short of perfect freedom would have been to impose restrictions which did not before exist. Such a course would surely have been wrong, and was certainly unnecessary. A law was urgently required at Madras, where liberty existed without responsibility. We could not legislate partially on such a subject ; and the truth of our deliberations was, that what is now proposed was the safest and the best law that could be devised. It gives perfect liberty, and all its subordinate provisions aim only at proper responsibility. Things could not remain as they were, and any law of restriction would have been sad retrogression in legislation, and totally opposed to the spirit of the age.

Whatever may have been the indirect results of Metcalfe's action, the immediate effect was a distinct improvement in journalistic enterprise. Mr. Marshman, who had worked for many years as a Christian missionary in Serampore College, was the editor of the weekly *Friend of India* ; and Captain, afterwards Sir John, Kaye edited the *Hurkuru*. These, together with Alexander Duff, decided that a great need for educated society in Calcutta was a magazine to which thoughtful men, whatever might be their opinions on politics and religion, could contribute. The result was the *Calcutta Review*, the first number of which appeared in May, 1844.

#### The First Publication of the "Calcutta Review"

*Source.*—“Life of Alexander Duff.” Vol. II., p. 92.  
George Smith. (Hodder & Stoughton.)

Shortly after spending the evening at his (Kaye's) house I received a long letter from him, in which he stated his views about the desirableness of having a first-rate quarterly review for India ; that the only parties whom he had consulted were Sir Henry Lawrence, Mr. John Marshman, and Captain Marsh ; and that now, having ascertained they were favourable to the project, he wished to learn whether I would join with them and become a regular contributor. I had long felt very strongly the need of a powerful periodical to do justice to the weighty

affairs of our Indian Empire. I therefore had no hesitation in replying at once, expressing a sense of the extreme desirableness of such a periodical. Only, I added, all will depend on the principles on which it is conducted. If these be sound in all departments—political, civil, social, theological, religious, and moral, the good accruing therefrom may be pre-eminent. On the contrary, if the principles be unsound on these and other leading subjects, the evil will be proportionately great. I promised I would gladly join them in a close partnership to carry on the new review, if he would pledge himself in the first place that nothing would appear in it hostile to Christianity or Christian subjects generally; and secondly, that whenever proper occasion naturally arose, clear and distinct enunciations should be made as to sound Christianity and its propagation by missionaries in India. Mr. Kaye promptly assured me that these substantially expressed his own views, and if I would write an article for the first number he would leave me entirely free to choose the subject. Having a number of odd documents in my possession relative to the first Indian or Danish mission, I wrote a very elaborate article on the whole subject of missions, in which no important part was omitted.

## CHAPTER VIII

### THE LAST DAYS OF THE COMPANY

THE last of the Charter Acts was passed in 1853 during the rule of Lord Dalhousie. It was fairly clear that the days of the Company were numbered in that the Charter was not renewed, as had been the case in the past, for a period of twenty years, but "only until Parliament shall otherwise provide." The power of the Crown was increased by the provision that six of the Directors should be appointed by the Crown and that "the right of patronage to Indian appointments was taken away from the Court of Directors and directed to be exercised in accordance with regulations framed by the Board of Control. These regulations threw the Covenanted Civil Service open to general competition." The Government of India was relieved from the direct control over Bengal by the appointment of a Lieutenant-Governor for that province, who was to exercise powers similar to those of the Lieutenant-Governor of the North-Western Provinces.

The most important departure introduced by the Act of 1853 was the extension of the Council of the Governor-General for the purpose of making laws and regulations. It has already been noticed that the Law Member<sup>1</sup> originally had not the right to sit and to vote at ordinary meetings of the Council, but only at meetings which were concerned with matters of legislation. This principle was now extended by the inclusion of the Chief Justice of Bengal, a puisne judge, and a member nominated by each of the local governments of Bengal, Madras, Bombay and the North-Western Provinces. A very considerable degree of independence

<sup>1</sup> The full privileges were given to the Law Member in the Act of 1853.

was allowed in the direction of asking questions and criticising the actions of the Executive, of which the new members took full advantage, with the result that these privileges were curtailed by the Act of 1861. A selection of the more important clauses of the Act of 1853 are given below.

**The Charter Act of 1853**

**15. Presidency of Agra Revoked. A Lieutenant-Governorship for the North-Western Provinces.**—The provisions of the said Act of the third and fourth years of King William the Fourth, relating to the division of the Presidency of Fort William in Bengal into two presidencies . . . shall remain suspended until the Court of Directors, under the direction and control of the Board of Commissioners for the affairs of India, shall otherwise direct ; and during the suspension of such provisions of such last-named act, authorising the appointment of a Lieutenant-Governor for the North-Western Provinces, then under the Government of the Presidency of Fort William in Bengal, and the appointments and arrangements made thereunder, shall remain in force.

**16. Appointment of a Governor or Lieutenant-Governor for Bengal.**—It shall be lawful for the said Court of Directors under such direction and control as aforesaid, if and when they think fit, at any time after the passing of this Act, to declare that the Governor-General of India shall not be the Governor of the Presidency of Fort William in Bengal, but that a separate governor shall be appointed for such presidency, and in such case a separate Governor shall be from time to time appointed for such presidency accordingly ; . . . and from and after the appointment of such Governor, the power by the said Act vested in the Governor-General of India of appointing a deputy governor of the said presidency of Fort William in Bengal shall cease ; and unless and until a separate Governor of such presidency shall be constituted as aforesaid, it shall be lawful for the Court of Directors . . . to authorise and direct the Governor-General of India in Council to appoint from time to time any servant of the said Company who shall have been ten years in their service in India to the office of Lieutenant-Governor of such part of the territories under the Presidency of Fort William in Bengal as for the time being may not be under the Lieutenant-Governor of the said North-Western Provinces, and to declare and limit the extent of the authority of the Lieutenant-Governor to be so appointed.

**18. Power to alter the geographical limits of Local Governments.**—It shall be lawful for the said Court of Directors under such direction and control as aforesaid, from time to time to declare and appoint what part or parts of the territories for the time being subject to the Government of the said Company shall be or continue subject to each of the Presidencies and Lieutenant-Governorships for the time being subsisting in such territories, and to make such distribution and arrangement or new distribution and arrangement of such territories with or among such Presidencies and Lieutenant-Governorships as to the said Court of Directors may seem convenient.

**20. Memberships of Council to be Approved by Her Majesty.**—Every appointment by the Court of Directors of any ordinary Members of the Council of India, or of any Member of the Council of any Presidency in India, shall be subject to the approbation of Her Majesty, to be signified under Her Royal Sign Manual, countersigned by the President of the Board of Commissioners for the affairs of India.

**21. The Law Member allowed to sit and vote in Council.**—So much of the said Act of the third and fourth years of King William the Fourth as provides that the fourth ordinary Member of the Council of India shall not be entitled to sit or vote in the said Council, except at meetings thereof for making Laws and Regulations, shall be repealed.

**22. Provision for Legislation.** For the better exercise of the powers of making laws and regulations, now vested in the Governor-General of India in Council, the several persons hereinafter mentioned shall, in addition to and together with the Governor-General and the Members of the said Council, under the said Act of the third and fourth years of King William the Fourth, be Members of the said Council of India for and in relation to the exercise of all such powers of making laws and regulations as aforesaid, and shall be distinguished as Legislative Councillors thcreof ; (that is to say),

One member for each Presidency and Lieutenant-Governorship for the time being established in the said territories, to be appointed from time to time by the Governor of each Presidency and the Lieutenant-Governor of such Lieutenant-Governorship respectively, from among the persons having been or being at the time of their appointment in the Civil Service of such Company within such Presidency or Lieutenant-Governorship, and who shall have been ten years in the service of the said Company :

The Chief Justice of the Supreme Court of Judicature at Fort William in Bengal, or the Chief Justice or Chief Judge

of any Court of judicature hereafter to be constituted in the said territories to or in which the powers of such Supreme Court may be transferred or vested :

One of the other judges of such Supreme Court, or one of the judges appointed by Her Majesty of any such future Court as aforesaid, to be named by the said Governor-General.

And it shall be lawful for the Court of Directors, if they think it expedient, under the direction and control of the Board of Commissioners for the Affairs of India, to authorise and direct the Governor-General of India to appoint from time to time, in addition to such Legislative Councillors as aforesaid, two persons, to be selected by the said Governor-General, having been ten years in the service of the Company, to be Legislative Councillors of the said Council under this Act : provided always that the Legislative Councillors added to the Council of India by or under this Act shall not be entitled to sit and vote in the said Council, except at meetings thereof for making laws and regulations.

**24. Governor-General's Consent to Legislation Necessary.**—Provided always that no law or regulation made by the said Council shall have force or be promulgated until the same has been assented to by the said Governor-General, whether he shall or shall not have been present in Council at the making thereof.

**35. Salaries.**—There shall be paid to the several officers hereinafter named the several annual salaries set against the names of such officers respectively, subject to such reduction as the Court of Directors, with the sanction of the said Board, may from time to time think fit ; (that is to say),

To the Commander-in-Chief of the Forces in India, one hundred thousand Company's rupees, in lieu of all other pay and allowances :

To each Lieutenant-Governor, one hundred thousand Company's rupees :

To each ordinary Member of the Council of India, eighty thousand Company's rupees :

To each Legislative Councillor of the Council of India (not holding any other office), fifty thousand Company's rupees :

The several salaries aforesaid to be subject to the provisions and regulations of the said Act of the third and fourth years of King William the Fourth, concerning the salaries thereby appointed ; provided always that the salary of any such officer appointed before the passing of this Act shall not under this enactment be reduced.

For some years the leaders of both political parties, and especially Disraeli, had begun to realise that the time had come to bring the administration of Indian affairs more directly under the control of the Crown and Parliament. The rule of the Company and the system of double government were matters of hot dispute. We have therefore included in full the petition of the Company which was presented to the House of Lords by Earl Grey, a speech by Lord Palmerston in which he referred to the evils of the system of double government, and a defence of the Company's government by Mr. Mill.

#### Justification of the System of Double Government

*Source.—Petition of the East India Company. (Hansard.)*

*To the Right Honourable the Lords Spiritual and Temporal and the Honourable the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled,*

#### HUMBLY SHEWETH

That your petitioners at their own expense, and by the agency of their own civil and military servants, originally acquired for this country its magnificent Empire in the East.

That the foundations of this Empire were laid by your Petitioners, at that time neither aided nor controlled by Parliament, at the same period at which a succession of administrations under the control of Parliament were losing to the Crown of Great Britain another great empire on the opposite side of the Atlantic.

That during the period of about a century which has since elapsed, the Indian possessions of this country have been governed and defended from the resources of those possessions, without the smallest cost to the British Exchequer, which, to the best of your Petitioners' knowledge and belief, cannot be said of any other of the numerous foreign dependencies of the Crown.

That it being manifestly improper that the administration of any British possession should be independent of the general Government of the Empire, Parliament provided in 1783 that a department of the Imperial Government should have full cognizance of, and power of control over, the acts of your Petitioners in the administration of India, since which time the home branch of the Indian Government has been conducted by the joint counsels, and on the joint responsibility of your Petitioners and of a Minister of the Crown.

That this arrangement has at subsequent periods undergone reconsideration from the Legislature and various comprehensive and careful parliamentary inquiries have been made into its practical operation; the result of which has been on each occasion a renewed grant to your Petitioners of the powers exercised by them in the administration of India.

That the last of these occasions was so recent as 1853, in which year the arrangements which had existed for nearly three-quarters of a century, were, with certain modifications, re-enacted, and still subsist.

That, notwithstanding, your Petitioners have received an intimation from Her Majesty's Ministers of their intention to propose to Parliament a Bill for the purpose of placing the Government of Her Majesty's East Indian dominions under the direct authority of the Crown—a change necessarily involving the abolition of the East India Company as an instrument of government.

That your Petitioners have not been informed of the reasons which have induced Her Majesty's Ministers, without any previous inquiry, to come to the resolution of putting an end to a system of administration, which Parliament after inquiry deliberately confirmed and sanctioned less than five years ago, and which in its modified form has not been in operation quite four years and cannot be considered to have undergone a sufficient trial during that period.

That your Petitioners do not understand that Her Majesty's Ministers impute any failure to those arrangements or bring any charge, either great or small, against your Petitioners. But the time at which our proposal is made compels your Petitioners to regard it as arising from the calamitous events which have recently occurred in India.

That your Petitioners challenge the most searching investigation into the mutiny of the Bengal army, and the causes, whether remote or immediate, which produced that mutiny. They have instructed the Government of India to appoint a commission to conduct such an inquiry on the spot. And it is their most anxious wish that a similar inquiry may be instituted in this country by your [Lordships'] Honourable House, in order to ascertain whether anything either in the constitution of the Home Government of India or in the conduct of those by whom it has been administered, has had any share in producing the mutiny or has in any way impeded the measures for its suppression; and whether the mutiny itself, or any circumstance connected with it, affords any evidence of the failure of the arrangements under which India is at present administered.

That, were it even true that these arrangements had failed, the failure could constitute no reason for divesting the East

India Company of its functions and transferring them to Her Majesty's Government. For, under the existing system, Her Majesty's Government have the deciding voice. The duty imposed upon the Court of Directors is to originate measures and frame drafts of instructions. Even had they been remiss in this duty their remissness, however discreditable to themselves, could in no way absolve the responsibility of Her Majesty's Government, since the Minister for India possesses, and has frequently exercised, the power of requiring that the Court of Directors should take any subject into consideration and prepare a draft despatch for his approval. Her Majesty's Government are thus in the fullest sense accountable for all that has been done and for all that has been forborne or omitted to be done. Your Petitioners, on the other hand, are accountable only in so far as the act or omission has been promoted by themselves.

That, under these circumstances, if the administration of India had been a failure, it would, your Petitioners submit, have been somewhat unreasonable to expect that a remedy would be found in annihilating the branch of the ruling authority which could not be the one principally in fault, and might be altogether blameless, in order to concentrate all powers in the branch which had necessarily the decisive share in every error, real or supposed. To believe that the administration of India would have been more free from error had it been conducted by a Minister of the Crown, without the aid of the Court of Directors, would be to believe that the Minister, with full powers to govern India as he pleased, has governed ill because he had the assistance of experienced and responsible advisers.

That your Petitioners, however, do not seek to vindicate themselves at the expense of any other authority. They claim their full share of the responsibility of the manner in which India has practically been governed. That responsibility to them is not a subject of humiliation but of pride. They are conscious that their advice and initiative have been, and have deserved to be, a great and potent element in the conduct of affairs in India. And they feel complete assurance that the more attention is bestowed and more light thrown upon India and its administration, the more evident it will become, that the government in which they have borne a part has been not only one of the purest in intention, but one of the most beneficent in act, ever known among mankind; that during the last and present generation in particular, it has been in all departments one of the most rapidly improving governments in the world; and at the time when this change is proposed a greater number of important improvements are in a state of more rapid progress than at any former period. And they are satisfied that whatever further improvements may be hereafter effected in India can

only consist in the development of germs already planted, and in building on foundations already laid, under their authority and in a great measure by their express instructions.

That such, however, is not the impression likely to be made on the public mind, either in England or in India, by the ejection of your Petitioners from the place they fill in the Indian administration. It is not usual with statesmen to propose the complete abolition of a system of government, of which the practical operation is not condemned, and it might be generally inferred from the proposed measures, if carried into effect at the present time, that the East India Company, having been entrusted with an important portion of the administration of India, have so abused their trust as to have produced a sanguinary insurrection, and nearly lost India to the British Empire ; and that having thus crowned a long career of misgovernment, they have in deference to public indignation, been deservedly cashiered for their misconduct.

That if the character of the East India Company were alone concerned, your Petitioners might be willing to await the verdict of history. They are satisfied that posterity will do them justice and they are confident that even now justice is done to them in the minds, not only of Her Majesty's Ministers but of all who have any claim to be competent judges of the subject. But though your Petitioners can afford to wait for the reversal of the verdict of condemnation, which will be believed throughout the world to have been passed on them and their government by the British nation, your Petitioners cannot look without the deepest uneasiness at the effect likely to be produced on the minds of the people of India. To them, however incorrectly the name may express the fact, the British Government in India is the Government of the East India Company. To their minds the abolition of the Company will, for some time to come, mean the abolition of the whole system of administration with which the Company is identified. The measure, introduced simultaneously with the influence of an overwhelming British force, will be coincident with a general outcry, in itself most alarming to their fears, from most of the organs of opinion in this country, as well as of English opinion in India, denouncing the past policy of the Government on the express ground that it has been too forbearing and too considerate towards the natives.

The people of India will at first feel no certainty that the new Government, or the Government under a new name, which it is proposed to introduce, will hold itself bound by the pledges of its predecessors. They will be slow to believe that a Government has been destroyed only to be followed by another which will act on the same principles and adhere to the same measures. They cannot suppose that the existing organ of administration

would be swept away without the intention of reversing any part of its policy. They will see the authorities both at home and in India surrounded by persons vehemently urging radical changes in many parts of that policy. And interpreting as they must do the change in the instrument of government, as a concession to these opinions and feelings, they can hardly fail to believe that, whatever else may be intended, the Government will no longer be permitted to observe that strict impartiality between those who profess its own creed and those who hold the creeds of its native subjects which hitherto characterized it ; that their strongest and most deeply rooted feelings will henceforth be treated with much less regard than hitherto ; and that a directly aggressive policy towards everything in their habits or in their usages and customs, which Englishmen deem objectionable, will be no longer confined to individuals and private associations, but will be backed by all the powers of Government. \*

And here your Petitioners think it important to observe that in abstaining as they have done from all interference with any of the religious practices of the people of India, except such as are abhorrent to humanity, they have acted not only from their own conviction of what is just and expedient, but in accordance with the avowed intentions and express sentiments of the Legislature, framed " in order that regard should be had to the civil and religious usages of the natives," and also " that suits, civil or criminal, against the natives " should be conducted according to such rules " as may accommodate the same to the religions and manners of the natives." That their policy in this respect has been successful is evidenced by the fact that, during a military mutiny which is said to have been caused by unfounded apprehensions of danger to religion, the heads of the Native States, and the masses of the population have remained faithful to the British Government. Your Petitioners need hardly observe how very different would probably have been the issue of the late events, if the native princes instead of aiding in the suppression of the rebellion, had put themselves at its head, or if the general population had joined in the revolt ; and how probable it is that both these contingencies would have occurred if any real ground could have been given for the persuasion that the British Government intended to identify themselves with proselytism. And it is the honest conviction of your Petitioners that any apprehension of a serious change of policy in this respect would be likely to be followed at no distant period by a general rising throughout India.

That your Petitioners have seen with the greatest pain the demonstrations of indiscriminate animosity toward the natives of India, on the part of our countrymen in India and at home,

which have grown up since the late unhappy events. They believe these sentiments to be fundamentally unjust ; they know them to be fatal to the possibility of good government in India. They feel that if such demonstrations should continue, and especially if weight be added to them by legislating under their supposed influence, no amount of wisdom and forbearance will avail to restore the confidence of the governed in the intentions of their rulers, without which it is vain even to attempt the improvement of the people.

That your Petitioners cannot contemplate without dismay the doctrine now widely promulgated that India should be administered with an especial view to the benefit of the English who reside there ; or that in its administration any advantage should be sought for Her Majesty's subjects of European birth, except that which they will naturally derive from their superiority of intelligence, and from increased prosperity of the people, the improvement of the productive resources of the country and the extension of commercial intercourse. Your Petitioners regard it as the most honourable characteristic of the government of India by England that it has acknowledged no such distinction as that of a dominant and a subject race, but has held that its first duty was to the people of India. Your Petitioners feel that a great portion of the hostility with which they are assailed is caused by the belief that they are peculiarly the guardians of this principle, and that so long as they have any voice in the administration of India it cannot easily be infringed. And your Petitioners will not conceal their belief that their exclusion from any part in the Government is likely, at the present time, to be regarded in India as a first successful attack on that principle.

That your Petitioners, therefore, most earnestly represent to your [Lordships'] Honourable House that, even if the contemplated change could be proved in itself advisable, the present is a most unsuitable time for entertaining it ; and they most strongly and respectfully urge on your [Lordships'] Honourable House the expediency of at least deferring any such change until it can be effected at a period when it would not be, in the minds of the people of India, directly connected with the recent calamitous events and with the feelings to which those events have either given rise or have afforded an opportunity of manifestation. Such postponement, your Petitioners submit, would allow time for a more mature consideration than has yet been given, or can be given in the present excited state of public mind, to the various questions connected with the organisation of a Government for India ; and would enable the most competent minds in the nation calmly to examine whether any new arrangement can be devised for the home Government of

India uniting a greater number of the conditions of good administration than the present ; and if so, which among the numerous schemes which have been, or may be, proposed, possesses those requisites in the greatest degree.

That your Petitioners have always willingly acquiesced in any changes which after discussion by Parliament were deemed conducive to the general welfare, although such changes may have involved important sacrifices to themselves. They would refer to their partial relinquishment of trade in 1813 ; to its total abandonment and placing of their Commercial Charter in abeyance in 1833 ; to the transfer to India of their commercial assets, amounting to £15,858,000, a sum greatly exceeding that ultimately repayable to them in respect of their capital, independent of territorial rights and claims ; and to their concurrence, in 1853, in the measure by which the Court of Directors was reconstructed and reduced to its present number. In the same spirit your Petitioners would most gladly co-operate with Her Majesty's Government in correcting any defects which may be considered to exist in the details of the present system ; and they would be prepared without a murmur to relinquish their trust altogether, if a better system for the control of the Government of India can be devised. But as they believe that in the construction of such a system there are conditions which cannot, without the most dangerous consequences, be departed from, your Petitioners respectfully and deferentially submit to the judgment of your [Lordships'] Honourable House their view of those conditions ; in the hope that if your [Lordships'] Honourable House should see reason to agree in that view, you will withhold your legislative sanction from any arrangement for the Government of India which does not fulfil the conditions in question in at least an equal degree with the present.

That your Petitioners may venture to assume that it will not be proposed to vest the home portion of the administration of India in a Minister of the Crown without the adjunct of a Council composed of statesmen experienced in Indian affairs. Her Majesty's Ministers cannot but be aware that the knowledge necessary for governing a foreign country, and in particular a country like India, requires as much special study as any other profession and cannot possibly be possessed by anyone who has not devoted a considerable portion of his life to the acquisition of it.

That in constituting a body of experienced advisers to be associated with the Indian Minister, your Petitioners consider it indispensable to bear in mind that this body should not only be qualified to advise the Minister, but also by its advice to exercise a certain degree of moral check. It cannot be expected that the Minister, as a general rule, should himself know India ;

while he will be exposed to perpetual solicitations from individuals and bodies either entirely ignorant of that country or knowing only enough of it to impose on those who know still less than themselves and having very frequently objects in view other than the good government of India. The influences likely to be brought to bear on him through the organs of popular opinion will, in the majority of cases, be equally misleading. The public opinion of England, itself necessarily unacquainted with Indian affairs, can only follow the promptings of those who take most pains to influence it, and those will generally be such as have some private interest to serve. It is, therefore, your Petitioners submit, of the utmost importance that any Council which may form part of the Home Government of India should derive sufficient weight from its constitution and from the relation it occupies to the Minister to be a substantial barrier against those inroads of self-interest and ignorance in this country from which the Government of India has hitherto been comparatively free, but against which it would be too much to expect that Parliament should of itself afford a sufficient protection.

That your Petitioners cannot conceive a worse form of Government for India than a Minister with a Council whom he should be at liberty to consult or not at his pleasure, or whose advice he should be able to disregard without giving his reasons in writing, and in a manner likely to carry conviction. Such an arrangement, your Petitioners submit, would be really liable to the objections, in their opinion, erroneously urged against the present system. Your petitioners respectfully represent that any body of persons associated with the Minister, which is not a check, will be a screen. Unless the Council is so constituted as to be personally independent of the Minister, unless it feels itself responsible for recording an opinion on every Indian subject and pressing that opinion on the Minister, whether it is agreeable to him or not, and unless the Minister when he overrules their opinions is bound to record his reasons, their existence will only serve to weaken his responsibility, and to give the colourable sanction of prudence and experience to measures in the framing of which those quantities have had no share.

That it will be vain to expect that a new Council could have as much moral influence and power of asserting its opinion with effect, as the Court of Directors. A new body can no more succeed to the feelings and authority which their antiquity and their historical antecedents give to the East India Company, than a legislature under a new name sitting in Westminster would have the moral ascendancy of the Houses of Lords and Commons. One of the most important elements of usefulness will thus be necessarily wanting in any newly constituted Indian Council, as compared with the present.

That your Petitioners find it difficult to conceive that the same independence in judgment and act, which characterises the Court of Directors, will be found in any Council all of whose Members are nominated by the Crown. Owing their nomination to the same authority, many of them probably to the same individual Minister, whom they are appointed to check, and looking to him alone for their reappointment, their desire of recommending themselves to him and their unwillingness to risk his displeasure, by any serious resistance to his wishes will be motives too strong not to be in danger of exercising a powerful and injurious influence over their conduct. Nor are your Petitioners aware of any mode in which that injurious influence could be guarded against, except by conferring the appointments, like those of the judges, during good behaviour; which, by rendering it impossible to correct an error once committed, would be seriously objectionable.

That your Petitioners are equally unable to perceive how, if the controlling body is entirely nominated by the Minister, that happy independence of Parliamentary and party influence, which has hitherto distinguished the administration of India and the appointment to situations of trust and importance in that country, can be expected to continue. Your Petitioners believe that in no Government known to history have appointments to offices, and especially to high offices, been so rarely bestowed on any other considerations than those of personal fitness. This characteristic, but for which in all probability India would long since have been lost to this country, is, your Petitioners conceive, entirely owing to the circumstance that the dispensers of patronage have been persons unconnected with party, and under no necessity of conciliating parliamentary support; that, consequently, the appointments to offices in India have been, as a rule, left to the unbiassed judgment of the local authorities; while the nominations to the civil and military services have been generally bestowed on the middle classes, irrespective of political considerations and in a large proportion, on the relatives of persons who had distinguished themselves by their services in India.

That your Petitioners therefore think it essential that at least a majority of the Council which assists the Minister for India with his advice should hold their seats independently of his appointment.

That it is, in the opinion of your Petitioners, no less necessary that the order of the transaction of business should be such as to make the participation of the Council in the administration of India a substantial one. That to this end, it is, in the opinion of your Petitioners, indispensable that the despatches to India should not be prepared by the Minister and laid before the

Council but should be prepared by the Council and submitted to the Minister. This would be in accordance with the natural and obvious principle that persons chosen for their knowledge of a subject should suggest the mode of dealing with it, instead of merely giving their opinion on suggestions coming from elsewhere, this is also the only mode in which the Members of the Council can feel themselves sufficiently important or sufficiently responsible to secure their applying their minds to the subjects before them. It is almost unnecessary for your Petitioners to observe that the mind is called into far more vigorous action by being required to propose than by merely being called on to assent. The Minister has necessarily the ultimate decision. If he has also the initiative, he has all the powers which are of any practical moment. A body whose only recognised function was to find fault, would speedily let that function fall into desuetude. They would feel that their co-operation in conducting the government of India was not really desired ; that they only felt as a clog on the wheels of business. Their criticism on what had been decided without their being collectively consulted would be felt as importunate, as a mere delay and impediment ; and their office would probably be seldom sought by those who were willing to allow its most important duties to become nominal.

That with the duty of preparing the despatches to India would naturally be combined the nomination and control of the home establishment. This your Petitioners consider absolutely essential to the utility of the Council. If the officers through whom they work are in direct dependence upon an authority higher than theirs, all matters of importance will in reality be considered between the Minister and the subordinates, passing over the Council altogether.

That a third consideration to which your Petitioners attach great importance is, that the number of the Council should not be too restricted. India is so wide a field that a practical acquaintance with every part of its affairs cannot be found to combine in any small number of individuals. The Council ought to contain men of general experience and knowledge of the world ; also men specially qualified by financial and revenue experience, by judicial experience, diplomatic experience, military experience. It ought to contain persons conversant with the varied social relations and varied institutions of Bengal, Madras, Bombay, the North-Western Provinces, the Punjab and the Native States. Even the present Court of Directors, reduced as it is by the Act of 1853, does not contain all the varieties of knowledge and experience desirable in such a body. Neither, your Petitioners submit, would it be safe to limit the number to that which would be strictly sufficient, supposing all the appointments to be the

best possible. A certain margin should be allowed for failure, which, even with the most conscientious selection, will sometimes occur. Your Petitioners, moreover, cannot overlook the possibility that, if the nomination takes place by Ministers at the head of a political party, it will not always be made with exclusive reference to personal qualifications; and it is indispensable to provide that such errors or faults in the nominating authority, so long as they are only occasional, shall not seriously impair the efficiency of the body.

That while these considerations plead strongly for a body not less numerous than the present, even if only regarded as the advisers of the Minister, their other office as a check on the Minister forms, your Petitioners submit, a no less forcible objection to any considerable reduction of the present number. A body of six or eight will not be equal to one of eighteen in that feeling of independent self-reliance which is necessary to induce a public body to press its opinions on a Minister to whom that opinion is unacceptable. However unobjectionably in other respects so small a body may be constituted, reluctance to give offence will be likely, unless in extreme cases, to be a stronger habitual inducement in their minds than the desire to stand up for their convictions.

That if in the opinion of your [Lordships'] Honourable House, a body can be constituted which unites the above enumerated requisites of good government in a greater degree than the Court of Directors, your Petitioners have only to express their humble hope that your endeavours for that purpose may be successful. But if in enumerating the conditions of a good system of home government for India, your Petitioners have in fact enumerated the qualities possessed by the present system, then your Petitioners pray that your [Lordships'] Honourable House will continue the existing powers of the Court of Directors.

That your Petitioners are aware that the present Home Government of India is reproached with being a double Government, and that any arrangement by which a check is provided to the discretion of the Minister will be liable to a similar reproach. But they conceive that this accusation originates in an entire misconception of the functions devolving on the Home Government of India and in the application to it of the principles applicable to purely executive departments. The executive government of India is, and must be, seated in India itself. The Court of Directors is not so much an executive as a deliberative body. Its principal function and that of the Home Government generally is not to direct the details of the administration, but to scrutinize and revise the past acts of the Indian Government; to lay down principles and issue general instructions for their future guidance and to give or refuse sanction to great

political measures which are referred home for approval. These duties are more analogous to the functions of Parliament than to those of an Executive Board ; and it might almost as well be said that Parliament, as that the Government of India, should be constituted on the principles applicable to Executive Boards. It is considered an excellence, not a defect, in the constitution of Parliament to be not merely a double but a triple government. An executive authority, your Petitioners submit, may often with advantage be single because promptitude is its first requisite. But the function of passing a deliberate opinion on past measures and laying down principles of future policy is a business which, in the estimation of your Petitioners, admits of and requires the concurrence of more judgments than one. It is no defect in such a body to be double, and no excellence to be single ; especially when it can only be made so by cutting off that branch of it which by previous training is always the best prepared, and often the only one which is prepared at all, for its peculiar duty.

That your Petitioners have heard it asserted that in consequence of what is called the double government the Indian authorities are less responsible to Parliament and the nation than other departments of the Government of the Empire, since it is impossible to know on which of the two branches of the Home Government the responsibility ought to rest. Your Petitioners fearlessly affirm that this impression is not only groundless, but the very reverse of truth. The Home Government of India is not less but more responsible than any other branch of the administration of the State ; inasmuch as the President of the Board of Commissioners, who is the Minister for India, is as completely responsible as any other of Her Majesty's ministers, and in addition, his advisers also are responsible. It is always certain in the case of India that the President of the Board of Commissioners must have either commanded or sanctioned all that has been done. No more than this, your Petitioners submit, can be known in the case of any department of Her Majesty's Government. For it is not, nor can it rationally be supposed, that any minister of the Crown is without trusted advisers ; and the Minister for India must, for obvious reasons, be more dependent than any other of Her Majesty's Ministers upon the advice of persons whose lives have been devoted to the subject on which their advice has been given. But in the case of India such advisers are assigned to him by the constitution of the Government, and they are as much responsible for what they advise as he is for what he ordains ; while in the other departments the Minister's only official advisers are the subordinates in his office—men often of great skill and experience, but not in the public eye ;

often unknown to the public even by name; official reserve precludes the possibility of ascertaining what advice they give, and they are responsible only to the Minister himself. By what application of terms this can be called responsible government and the joint Government of your Petitioners and the India Board an irresponsible Government, your Petitioners think it unnecessary to ask.

That without knowing the plan on which Her Majesty's Ministers contemplate the transfer to the Crown of the servants of the Company, your Petitioners find themselves unable to approach the delicate question of the Indian Army further than to point out that the high military qualities of the officers of that army have unquestionably sprung in a great degree from its being a principal and substantive army, holding Her Majesty's commissions and enjoying equal rank with Her Majesty's officers, and your Petitioners would earnestly deprecate any change in that position.

That your Petitioners having regard to all those considerations humbly pray your Honourable House that you will not give your sanction to any change in the constitution of the Indian Government during the continuance of the present unhappy disturbances, nor without a full previous inquiry into the operations of the present system. And your Petitioners further pray that this inquiry may extend to every department of Indian administration. Such an inquiry, your Petitioners respectfully claim, not only as a matter of justice to themselves, but because when, for the first time in this century, the thoughts of every public man in the country are fixed on India an inquiry would be more thorough and its results would carry much more instruction to the mind of Parliament and of the country than at any preceding period.

#### Criticism of the System of Double Government

*Source.*—Viscount Palmerston. Speech in the House of Commons, February 12, 1858, in introducing the first Bill for the Government of India. (Hansard.)

I believe that the East India Company has done many good things in India. I believe that its administration has been attended with great advantage to the population under its rule. It is perhaps one of the most extraordinary facts in the history of mankind that these British Islands should have acquired such an extensive domination in a remote part of the globe as that which we exercise over the continent of India. It is indeed remarkable that those regions, to which science and art may be said to have first dawned upon mankind, should now be subject

to the rule of a people inhabiting islands which, at a time when these Eastern regions enjoyed as high a civilisation and as great prosperity as the age could offer, were in a state of utter barbarism. That is a remarkable circumstance ; but still more remarkable, quite as singular, that a nation like this, in what the science of government is perhaps better understood than in any other, in which the principle of representation has so long been established, should have deliberately consigned to the care of a small body of commercial men the management of such extensive territories, such vast interests and such numerous populations.

But this country never designedly did any such thing. The existing state of things grew up gradually from a very small beginning. The original settlers began with a factory, the factory grew into a port, the port expanded to a district, and the district to a province, and then came collisions with less civilised neighbours, injuries to be resented, attacks to be repelled, and conflicts which always ended with victory and extension of territory. So, gradually, from one transaction to another, grew up that state of things in which the East India Company found itself invested with vast commercial privileges and with most important political functions. This state of things continued up to the year 1784, when there was an infusion of responsibility in respect of its political administrative functions with the affairs of the Company by the establishment of the Board of Control. Matters went on under this new arrangement for a number of years, during which the Company continued, subject to a slight interference from the Board of Control, to discharge its political functions, and at the same time to exercise all its commercial rights. One would have imagined that in a country like this that first step would have been followed up ; that before anything else was done the reflective British nation would have pursued the course inaugurated in 1784, and that as the effect of the measure then adopted was to limit to a certain degree the political functions of the Company, the next step would have been to take them away altogether, and to leave the Company in its original position as a trading association. However, it happens that in this country commercial matters often attract more attention and excite deeper interest than political affairs, and the next step was, not to meddle further with the political functions of the Company, but to take away all the commercial privileges which originally constituted the foundation of its existence. Accordingly, in the year 1833 the Company altogether ceased to be a commercial association, and became, one may say, but a phantom of its original body. It lost the commercial character for which it was originally founded, and continued to be merely a political

instrument, by means of which the administration of India was carried on.

Now, sir, I venture to think that the arrangement so made was a most inconvenient and most cumbrous arrangement. The principle of our political system is that all administrative functions should be accompanied by ministerial responsibility—responsibility to Parliament, responsibility to public opinion, responsibility to the Crown, but in this case the chief functions in the Government of India are committed to a body not responsible to Parliament, not appointed by the Crown, but elected by persons who have no more connection with India than consists in the simple possession of so much stock. I think that this of itself is a most objectionable arrangement. In this country we are slow to make changes. The indisposition to make changes is wise and useful. As a general principle it is wise, and nations do themselves great mischief by rapid and ill-considered alterations of these institutions. But equally unwise and injurious is it to cling to existing arrangements simply because they exist, and not to admit changes which can be made with advantage to the nation.

What can be more cumbrous than the existing system of Indian administration which is called by the name of the "double government"? In the debates of 1853, when the last India Bill was passed, the right honourable gentleman the Member for Buckinghamshire (Mr. Disraeli) asked who was the Government of India, and to whom he was to look as the authority responsible for the administration of that vast Empire. Why, sir, there is no responsibility, or rather there is a conflict of responsibility. The Directors possess a power paramount, as the right honourable gentleman said, to everything else, the power of recalling the Governor-General, by which any great system of policy may be at once interrupted. And they have this power, although the Governor-General must have been appointed by the Crown, and the appointment sanctioned by the Directors. The functions of government and the responsibility have been divided between the Directors, the Board of Control, and the Governor-General in India; the Board of Control representing the Government of the day, responsible to this House, responsible to public opinion, appointed by the Crown, and exercising functions delegated to it; the Court of Directors, elected by the gentlemen and ladies who happen to be holders of India stock, many of whom are totally ignorant of everything relating to Indian interests, and perhaps knowing nothing about Calcutta, Bombay, or Madras, except what they learn from the candidates for the directorship as to the presidency to which the cadetship is to belong which is promised in return for their votes. The Directors are undoubtedly, in general, men

of great experience and knowledge of India, but they are elected by a body of persons who have no particular faculty for choosing persons justified to govern a great Empire in the East. Then comes the Governor-General, invested with great, separate, and independent powers, and among these authorities it is obvious that any despatch and unity of purpose can hardly exist. Then what, let me ask, is the position in which Her Majesty's Government stand in this House? When Indian questions are discussed, it is the constant habit of those who take part in the debate, criticising and impugning what has been done, to hold Her Majesty's Government responsible for everything that occurs. But Her Majesty's Government cannot be fairly responsible for things over which they have not a perfect control, and which they cannot entirely direct. It frequently happens, indeed, that the Government of the day are made responsible for acts which were done without their consent, and probably in some cases much to their dissatisfaction.

#### Ideal Arrangement for Ruling a Dependency, being a Defence of the Company's Government

*Source*—Mill. Considerations on Representative Government.

It is not by attempting to rule directly a country like India, but by giving it good rulers, that the English people can do their duty to that country; and they can scarcely give it a worse one than an English Cabinet Minister, who is thinking of English, not Indian politics; who seldom remains long enough in office to acquire an intelligent interest in so complicated a subject; upon whom the factitious public opinion got up in Parliament, consisting of two or three fluent speakers, acts with as much force as if it were genuine; while he is under none of the influences of training and position which would lead or qualify him to form an honest opinion of his own. A free country which attempts to govern a distant country inhabited by a dissimilar people by means of a branch of its own executive will almost inevitably fail. The only mode which has any chance of tolerable success is to govern through a delegated body, of a comparatively permanent character; allowing only a right of inspection and a negative voice to the changeable administration of the State. Such a body did exist in the case of India, and I fear that both England and India will pay a severe penalty for the short-sighted policy by which this immediate instrument of government was done away with.

It is of no avail to say that such a delegated body cannot have all the requisites of good government; above all, cannot have that complete and ever operative identity of interest with

the governed which it is so difficult to obtain even when the people to be ruled are in some degree qualified to look after their own affairs. Real good government is not compatible with the conditions of the case. There is but a choice of imperfections. The problem is, so to construct the governing body that, under the difficulties of the position, it shall have as much interest as possible in good government, and as little in bad. Now these conditions are best found in an intermediate body. A delegated administration has always this advantage over a direct one, that it has, at all events, no duty to perform except to the governed. It has no interest to consider except theirs. Its own power of deriving profit from misgovernment may be reduced—in the latest constitution of the East India Company it was reduced—to a singularly small amount ; and it can be entirely kept clear of bias from the individual or class interests of any one else. When the home Government and Parliament are swayed by these partial influences in the exercise of the power reserved to them in the last resort, the intermediate body is the certain advocate and champion of the dependency before the Imperial tribunal. The intermediate body, moreover, is, in the natural course of things, chiefly composed of persons who have acquired professional knowledge of this part of their country's concerns ; who have been trained to it in the place itself and have made its administration the main occupation of their lives. Furnished with these qualifications, and not being liable to lose their office from the accidents of home politics, they identify their character and consideration with their special trust, and have a much more permanent interest in the success of their administration and in the prosperity of the country which they administer than a member of a cabinet under a representative constitution can possibly have in the good government of any country except the one which he serves. So far as the choice of those who carry on the management on the spot devolves upon this body, the appointments are kept out of the vortex of party and parliamentary jobbing, and freed from the influence of these motives to the abuse of patronage, for the reward of adherents, or to buy off those who would otherwise be opponents, which are always stronger, with statesmen of average honesty, than a conscientious sense of the duty of appointing the fittest man. To put this one class of appointments as far as possible out of harm's way is of more consequence than the worst which can happen to all other offices in the State ; for, in every other department, if the officer is unqualified, the general opinion of the community directs him in a certain degree what to do ; but in the position of the administrators of a dependency where the people are not fit to have the control in their own hands, the character of the government entirely

depends on the qualifications, moral and intellectual, of the individual functionaries.

It cannot be too often repeated that in a country like India everything depends on the personal qualities and capacities of the agents of government. This truth is the cardinal principle of Indian administration. The day when it comes to be thought that the appointment of persons to situations of trust from motives of convenience, already so criminal in England, can be practised with impunity in India will be the beginning of the decline and fall of our Empire there. Even with a sincere intention of preferring the best candidate, it will not do to rely on chance for supplying fit persons. The system must be calculated to form them. It has done this hitherto ; and because it has done so, our rule in India has lasted and been one of constant if not very rapid improvement in prosperity and good administration. As much bitterness is now manifested against this system, and as much eagerness displayed to overthrow it, as if educating and training the officers of government for their work were a thing utterly unreasonable and indefensible, an unjustifiable interference with the rights of ignorance and inexperience. There is a tacit conspiracy between those who would like to job in first-rate Indian offices for their connections here, and those who being already in India, claim to be promoted from the indigo factory or the attorney's office to administer justice or fix the payments due to government from millions of people. The monopoly of the Civil Service, so much inveighed against, is like the monopoly of judicial offices by the Bar ; and its abolition would be like opening the bench in Westminster Hall to the first comer whose friends certify that he has now and then looked into Blackstone. Were the course ever adopted of sending men from this country or encouraging them in going out to get themselves put into high appointments, without having learnt their business by passing through the lower ones, the most important offices would be thrown to Scotch cousins and adventurers, connected by no professional feeling with the country or the work, held to no previous knowledge, and eager only to make money rapidly and return home. The safety of the country is, that those by whom it is administered be sent out in youth, as candidates only, to begin at the bottom of the ladder and ascend higher or not, as after a proper interval they are proved qualified. The defect of the East India Company's system was, that though the best men were carefully sought out for the most important posts, yet if an officer remained in the service, promotion though it might be delayed came at last in some shape or other, to the least as well as to the most competent. Even the inferior in qualifications among such a corps of functionaries consisted, it must be remembered, o

men who had been brought up to their duties and had filled them for many years, at lowest without disgrace, under the eye and authority of a superior. But though this diminished the evil, it was nevertheless considerable. A man who never becomes fit for more than an assistant's duty should remain an assistant all his life, and his junior should be promoted over him. With this exception, I am not aware of any real defect in the old system of Indian appointments. It had already received the greatest other improvement it was susceptible of, the choice of the original candidates by competitive examination ; which, besides the advantage of recruiting from a higher grade of industry and capacity, has the recommendation that under it, unless by accident, there are no personal ties between the candidates for offices and those who have a voice in conferring them.

It is in no way unjust that public officers thus selected and trained should be exclusively eligible to offices which require specially Indian knowledge and experience. If any door to the higher appointments without passing through the lower be opened even for occasional use there will be such incessant knocking at it by persons of influence that it will be impossible ever to keep it closed. The only excepted appointment should be the highest one of all. The Viceroy of British India should be a person selected from all Englishmen for his great general capacity for Government. If he have this he will be able to distinguish in others and turn to his own use that special knowledge and judgment in local affairs which he had not himself had the opportunity of acquiring. There are good reasons why (saving exceptional cases) the Viceroy should not be a member of the regular service. All services have, more or less, their class prejudices from which the supreme ruler ought to be exempt. Neither are men, however able and experienced, who have passed their lives in Asia so likely to possess the most advanced European ideas in general statesmanship, which the chief ruler should carry out with him and blend with the results of Indian experience. Again, being of a different class, and especially if chosen by a different authority, he will seldom have any personal partiality to warp his appointments to office. This great security for honest bestowal of patronage existed in rare perfection under the mixed government of the Crown and the East India Company. The supreme dispensers of office, the Governor-General and Governors were appointed in fact, though not formally, by the Crown, that is by the general Government, not by the intermediate body, and a great officer of the Crown probably had not a single personal or political connexion in the local service which the delegated body, most of whom had

themselves served in the country, had and were likely to have such connexions. This guarantee for impartiality would be much impaired if the civil servants of Government, even though sent out in boyhood as mere candidates for employment, should come to be furnished in any considerable proportion by the class of society which supplies viceroys and governors. Even the initiatory competitive examination would then be an insufficient security. It would exclude mere ignorance and incapacity ; it would compel youths of family to start in the race with the same amount of instruction and ability as other people ; the stupidest son could not be put into the Indian service as he can be into the Church ; but there would be nothing to prevent undue preference afterwards. No longer, all equally unknown and unheard of by the arbiter of their lot, a portion of the service would be personally, and a still greater number politically, in close relation with him. Members of certain families and of the higher classes and influential connexions generally, would rise more rapidly than their competitors, and be often kept in situations for which they were unfit, or placed in those for which others were fitter. The same influences would be brought into play which affect promotions in the army ; and those alone, if such miracles of simplicity there be, who believe that these are impartial, would expect impartiality in those of India. This evil is, I believe, irremediable by any general measures which can be taken under the present system. No such will afford a degree of security comparable to that which once flowed spontaneously from the so-called double government.

What is accounted so great an advantage in the case of the English system of government at home has been its misfortune in India—that it grew up of itself, not from preconceived design but by successive expedients and by the adaptation of machinery originally created for a different purpose. As the country on which its maintenance depended was not the one out of whose necessities it grew, its practical benefits did not come home to the mind of that country. . . . It has been the destiny of the Government of the East India Company to suggest the true theory of the government of a semi-barbarous dependency by a civilised country, and after having done this to perish. It would be a singular fortune if at the end of two or three more generations this speculative result should be the only remaining fruit of our ascendancy in India ; if posterity should say of us that having stumbled accidentally upon better arrangements than our wisdom would ever have devised, the first use we made of our awakened reason was to destroy them, and allow the good which had been in the course of being realised to fall through, and be lost, from ignorance of the principles on which it depended.

It is not necessary to discuss the details of the three Acts which were proposed in 1858 for the better Government of India. It is sufficient for our purpose to give the more important clauses of the third and final Act which was passed by Lord Derby's Government with the approval of most politicians of both parties. We have also included a portion of a speech delivered by John Bright in which he expounded a somewhat unorthodox but interesting policy by which the conduct of the Indian Government might be improved.

### The Future Government of India

*Source.*—Speech of John Bright in the House of Commons, June 24, 1858. (Hansard.)

What we want with regard to the Government of India is that which in common conversation is called "a little more daylight." We want more simplicity and more responsibility. I objected to the scheme originally proposed by the Chancellor of the Exchequer<sup>1</sup> because it did not provide these requisites; that scheme so closely resembled the system we were about to overthrow that I could not bring myself to regard it favourably.

I would propose that instead of having a Governor-General and an Indian Empire we should have neither the one nor the other. I would propose that we should have Presidencies and not an Empire. If I were a Minister—which the House will admit is a bald figure of speech—and if the House were to agree with me—which is also an essential point—I would propose to have at least five Presidencies in India, and I would have the Governments of these Presidencies perfectly equal in rank and salary. The capitals of these Presidencies would probably be Calcutta, Madras, Bombay, Agra, and Lahore. I will take the Presidency of Madras as an illustration. Madras has a population of some 20,000,000. We all know its position on the map, and that it has the advantage of being more compact, geographically speaking, than the other Presidencies. It has a Governor and a Council. I would give to it a Governor and a Council still, but would confine all their duties to the Presidency of Madras, and I would treat it just as if Madras was the only portion of India connected with this country. I would have its finance, its taxation, its justice, and its police departments, as well as its public works and military departments, precisely the same as if it were a State having no connection with any

<sup>1</sup> Disraeli.

other part of India ; and recognised only as a dependency of this country. I would propose that the Government of every Presidency should correspond with the Secretary for India in England, and that there should be telegraphic communications between all the Presidencies in India, as I hope before long to see a telegraphic communication between the office of the noble lord (Lord Stanley) and every Presidency over which he presides. I shall no doubt be told that there are insuperable difficulties in the way of such an arrangement, and I shall be sure to hear of the military difficulty. Now, I do not profess to be an authority on military affairs, but I know that military men often make great mistakes. I would have the army divided, each Presidency having its own army, just as now, care being taken to have them distinct ; and I see no danger of any confusion or misunderstanding, when an emergency arose, in having them all brought together to carry out the views of the Government. There is one question which it is important to bear in mind, and that is with regard to the Councils in India. I think every Governor of a Presidency should have an assistant Council, but differently constituted from what they now are. I would have an open Council. The noble lord, the Member for London,<sup>1</sup> used some expressions the other night which I interpreted to mean that it was necessary to maintain in all its exclusiveness the system of the Civil Service in India. In that I entirely differ from the noble lord. What we want is to make the Governments of the Presidencies Governments for the peoples of the Presidencies ; not Governments for the Civil Servants of the Crown, but for the non-official mercantile classes from England who settle there and for the 20,000,000 or 30,000,000 of natives in each Presidency.

Now, suppose the Governor-General gone, the Presidencies established, the Governors equal in rank and dignity, and their Councils established in the manner I have indicated, is it not reasonable to suppose that the delay which has hitherto been one of the greatest curses of your Indian Governments would be almost altogether avoided. Instead of a Governor-General living at Calcutta, or at Simla, never travelling over the whole of the country, and knowing very little about it, and that little only through other official eyes, is it not reasonable to suppose that the action of the Government would be more direct in all its duties and in every department of its service than has been the case under the system which has existed until now ? Your administration of the law, marked by so much disgrace, could never have lasted so long as it has done if the Governors of your Presidencies had been independent Governors. So with regard

<sup>1</sup> Lord John Russell.

to motives of police, education, public works, and everything that can stimulate industry, and so with regard to your system of taxation. You would have in each Presidency a constant rivalry for good. The Governor of Madras, when his term of office expired, would be delighted to show that the people of that Presidency were contented, that the whole Presidency was advancing in civilisation, that roads and all manner of useful public works were extending, that industry was becoming more and more a habit of the people, and that the exports and imports were constantly increasing. The Governors of Bombay and the rest of the Presidencies would be animated by the same spirit, and so you would have all over India, as I have said before, a rivalry for good ; you would have placed a check on that malignant spirit of ambition which has worked so much evil—you would have no Governor so great that you could not control him, none who might make war when he pleased ; war and annexation would be greatly checked, if not entirely prevented ; and I do in my conscience believe you would have laid the foundation for a better and more permanent form of Government for India than has ever obtained since it came under the rule of England.

I admit that mere machinery is not sufficient in this case, either with respect to my own scheme or to that of the noble lord (Lord Stanley). We want something else than mere clerks, stationery, despatches, and so forth. We want what I shall designate as a new feeling in England, and an entirely new policy in India. We must in future have India governed not for a handful of Englishmen, not for the Civil Service, whose praises are so constantly sounded in this House. You may govern India, if you like, for the good of England, but the good of England must come through the channels of the good of India. There are but two modes of gaining anything by our connection with India. The one is by plundering the people of India, and the other by trading with them. I prefer to do it by trading with them. But in order that England may become rich by trading with India, India itself must become rich, and India can only become rich through the honest administration of justice and through entire security of life and property.

\* \* \* \* \*

Now, perhaps I may be told that I am proposing strange things, quite out of the ordinary routine of government. I admit it. We are in a position that necessitates something out of the ordinary routine. There are positions and times in the history of every country, as in the lives of individuals, when courage and action are absolute salvation ; and now the Crown

of England, acting by the advice of the responsible Ministers, must, in my opinion, have recourse to a great and unusual measure in order to allay the anxieties which prevail through the whole of India. The people of India do not like us, but they scarcely know where to turn if we left them. They are sheep literally without a shepherd. They are people whom you have subdued, and who have the highest and strongest claims upon you—claims which you cannot forget—claims which if you do not act upon them, you may rely upon it that, if there be a judgment for nations—as I believe there is—as for individuals, our children in no distant generation must pay the penalty which we have purchased by neglecting our duty to the populations of India.

I have now stated my views and opinions on this question, not at all in a manner, I feel, equal to the question itself. I have felt the difficulty in thinking of it; I feel the difficulty in speaking of it—for there is far more in it and about it than any man, however much he may be accustomed to think upon political questions, and to discuss them, can comprise at all within the compass of a speech of ordinary length. I have described the measures which I would at once adopt for the purpose of soothing the agitation which now disturbs and menaces every part of India, and of inviting the submission of those who are in arms against you. Now I believe—I speak in the most perfect honesty—that the announcement of these measures would avail more in restoring tranquillity than the presence of an additional army, and I believe that their full and honest adoption would enable you to retain your power in India. I have sketched the form of Government which I would establish in India, with the view of securing perfect responsibility and an enlightened administration. I admit that these things can only be obtained in degree, but I am convinced that a Government such as that which I have sketched would be free from most of the errors and the vices that have marked and marred your past career in India. I have given much study to this great and solemn question. I entreat the House to study it not only now, during the passing of this Bill, but after the Session is over, and till we meet again next year, when in all probability there must be further legislation upon this great subject; for I believe that upon this question depends very much, for good or for evil, the future of this country of which we are citizens, and which we all regard and love for much. You have had enough of military reputation on Eastern fields; you have gathered large harvests of that commodity, be it valuable or be it worthless. I invite you to something better, and higher and holier than that; I invite you to a glory not "fanned by conquests' crimson wing," but based upon the

solid and lasting benefits, which I believe this Parliament of England can, if it will, confer upon the countless populations of India.

India under the Crown

*Source.*—Government of India Act, 1858.

**1. Transfer of Government to the Crown.**—The Government of the territories now in the possession or under the Government of the East India Company and all powers in relation to Government vested in, or exercised by, the said Company in trust for Her Majesty, shall cease to be vested in, or exercised by, the said Company.

And all territories in the possession or under the Government of the said Company, and all rights vested in, or which if this Act had not been passed might have been exercised by, the said Company in relation to any territories, shall become vested in Her Majesty, and be exercised in her name.

**3. Secretary of State.**—Save as herein otherwise provided, one of Her Majesty's Principal Secretaries of State shall have and perform all such or the like powers and duties in anywise relating to the Governments or revenues of India, and all such or the like powers over all officers appointed or continued under this Act, as might or should have been exercised or performed by the East India Company, or by the Court of Directors or Court of Proprietors of the said Company, either alone or by the direction or with the sanction or approbation of the Commissioners for the Affairs of India in relation to such Government or revenues, and the officers and servants of the said Company respectively, and all such powers as might have been exercised by the said Commissioners alone.

**7. The Council of India.**—For purposes of this Act a Council shall be established, to consist of fifteen members, and to be styled the Council of India. . . .

**10. Residence in India an essential qualification for the Majority of the Council.**—The major part of the persons to be elected by the Court of Directors and the major part of the persons to be first appointed by Her Majesty after the passing of this Act to be Members of the Council, shall be persons who shall have served or resided in India for ten years at the least and shall not have last left India more than ten years next preceding the date of their appointment.

**19. Duties of the Council.**—The Council shall, under the direction of the Secretary of State, and subject to the provisions of this Act, conduct the business transacted in the United

Kingdom in relation to the Government of India and the correspondence with India. But every order or communication sent to India shall be signed by one of the Principal Secretaries of State ; and, save as expressly provided for this Act, every order in the United Kingdom in relation to the Government of India under this Act shall be signed by such Secretary of State ; and all despatches from Governments and Presidencies in India, and other despatches from India, which if this Act had not been passed should have been addressed to the Court of Directors or to their Secret Committee, shall be addressed to such Secretary of State.

**24. Conduct of Business.**—Every order or communication proposed to be sent to India, and every order proposed to be made in the United Kingdom by the Secretary of State under this Act, shall, unless the same has been submitted to a meeting of the Council, be placed in the Council room for the perusal of all Members of the Council during seven days before the sending or making thereof, except in the cases hereinafter provided ; and it shall be lawful for any member of the Council to record in a minute book to be kept for that purpose his opinion with respect to each such order or communication, and a copy of every opinion so recorded shall be sent forthwith to the Secretary of State.

**25. Special Powers of the Secretary of State.**—If a majority of the Council record as aforesaid their opinions against any act proposed to be done by the Secretary of State he shall, if he do not defer to the opinions of the majority, record his reasons for acting in opposition thereto.

**26. Cases of Urgency.**—Provided that where it appears to the Secretary of State that the despatch of any communication or the making of any order, not being an order for which a majority of the votes at a meeting is hereby made necessary, is urgently required, the communication may be sent or order given notwithstanding the same may not have been submitted to a meeting of the Council or deposited for seven days as aforesaid, the urgent reasons for sending or making the same being recorded by the Secretary of State, and notice thereof being given to every member of the Council, except in the cases hereinafter mentioned.

**27. Cases of Secrecy.**—Provided also, that any order not being an order for which a majority of votes at a meeting is hereby made necessary, which might, if this Act had not been passed, have been sent by the Commissioners for the Affairs of India, through the Secret Committee of the Court

of Directors to Governments or Presidencies in India, or to the officers or servants of the said Company, may, after the commencement of this Act, be sent to such Governments or Presidencies, or to any officer or servant in India, by the Secretary of State without having been submitted to a meeting, or deposited for the perusal of the members of the Council, and without the reasons being recorded, or notice thereof given as aforesaid.

**29. Appointments in England.**—The appointments of Governor-General of India and Governors of Presidencies in India now made by the Court of Directors with the approbation of Her Majesty, and the appointments of Advocate-General for the several Presidencies now made with the approbation of the Commissioners for the Affairs of India, shall be made by Her Majesty by warrant under Her Royal Sign Manual.

The appointment of the Lieutenant-Governors of provinces or territories shall be made by the Governors-General of India, subject to the application of Her Majesty; and all such appointments shall be subject to the qualifications now by law affecting such offices respectively.

**30. Appointments in India.**—All appointments to offices, commands, and employments in India, all promotions which by law, or under any regulations, usage or custom, are now made by any authority in India, shall continue to be made in India by the like authority, and subject to the qualifications, conditions and restrictions now affecting such appointments respectively.

**32. Admission to the Civil Service of India.**—With all convenient speed after the passing of this Act Regulations shall be made by the Secretary of State in Council, with the advice and assistance of the Commissioners for the time being, acting in execution of Her Majesty's Order in Council of twenty-first May one thousand eight hundred and fifty-five for regulating the admission of persons to the Civil Service of the Crown, for admitting all persons being natural-born subjects of Her Majesty (and of such age and qualification as may be prescribed in this behalf) who may be desirous of becoming candidates for appointment to the Civil Service of India to be examined as candidates accordingly, and for prescribing the branches of knowledge in which such candidates shall be examined, and generally for regulating and conducting such examinations, under the superintendence of the said last mentioned Commissioners or of the person for the time being entrusted with the carrying out of such regulations as may be, from time to time, established by Her Majesty for examination, certificate, or other test of fitness

in relation to appointments to junior situations in the Civil Service of the Crown ; and the candidates who may be certified by the said Commissioners or other persons as aforesaid, to be entitled under such regulations shall be recommended for appointment according to the order of their proficiency as shown by such examinations ; and such persons only as shall have been so certified as aforesaid shall be appointed or admitted to the Civil Service of India by the Secretary of State in Council.

**41. Secretary of State's Control over the Revenues of India.**—The expenditure of the revenues of India, both in India and elsewhere, shall be subject to the control of the Secretary of State in Council ; and no grant or appropriation of any part of such revenues, or of any other property coming into the possession of the Secretary of State in Council by virtue of this Act, shall be made without the concurrence of a majority of votes at a meeting of the Council.

**53. The Accounts to be laid before Parliament annually.**—The Secretary of State in Council shall, within the first fourteen days during which Parliament may be sitting, next after the first day of May in every year, lay before both Houses of Parliament an account for the financial year preceding the last completed of the annual produce of the revenues of India, distinguishing the same under the respective heads thereof, at each of the several Presidencies or Governments, and of all the annual receipts and disbursements at home and abroad on account of the Government of India, distinguishing the same under the respective heads thereof, together with the latest estimate of the same for the last financial year, and also the amount of the debts chargeable on the revenues of India, with the rates of interest they respectively carry, and the annual amount of such interest, the state of the effects and credits at each Presidency or Government, and in England or elsewhere applicable to the purposes of the Government of India, according to the latest advices which have been received thereon, and also a list of the establishment of the Secretary of State in Council, and the salaries and allowances payable in respect thereof ; and if any new or increased salaries or pensions of fifty pounds a year or upwards have been granted or created within a year, the particulars thereof shall be specially stated and explained at the foot of the account of such year ; and such account shall be accompanied by a statement prepared from detailed reports from each Presidency and district in India in such form as shall best exhibit the moral and material progress and condition of India in each such Presidency.

55. **Except for repelling actual invasion; the Indian revenues are not applicable for military operations outside India.**—Except for preventing or repelling actual invasion of Her Majesty's Indian possessions, or under other sudden and urgent necessity, the revenues of India shall not, without the consent of both Houses of Parliament, be applicable to defray the expenses of any military operation carried on beyond the external frontiers of such possessions by Her Majesty's forces charged upon such revenues.